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BULLETIN No. 13.—NEW SERIES.

U. S. DEPARTMENT OF AGRICULTURE.

DIVISION OF ENTOMOLOGY.

RECENT LAWS

AGAINST

INJURIOUS INSECTS IN NORTH AMERICA,

TOGETHER WITH

THE LAWS RELATIVE TO FOUL BROOD.

COMPILED BY

L. O. HOWARD,

ENTOMOLOGIST.

WASHINGTON:

GOVERNMENT PRINTING OFFICE.

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LETTER OF TRANSMITTAL.

U. S. DEPARTMENT OF AGRICULTURE,
DIVISION OF ENTOMOLOGY,
Washington, D. C., February 20, 1898.

SIR: I have the honor to submit for publication a compilation of recent laws and regulations against injurious insects, and especially the San Jose scale, for the information of persons engaged in trade with living plants, and of horticultural and agricultural societies and others wishing to propose legislation of this kind. For the benefit of apiarian interests the laws relating to foul brood are also included.

Respectfully,

L. O. HOWARD, *Entomologist.*

Hon. JAMES WILSON,
Secretary of Agriculture.

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INTRODUCTION.

In January, 1895, a bulletin somewhat similar to this was published as Bulletin No. 33 of the Divisional Series. At that time the recently discovered occurrence of the San Jose scale in the East had already induced vigorous discussion at agricultural and horticultural societies and conventions on the desirability of State legislation in this direction. The bulletin in question was of such service as indicating the desirable provisions of such laws and their proper form that the edition soon became exhausted. The two years or more which have since elapsed have been noteworthy in the interest which has been shown, especially by horticulturists, in the question of legislation against injurious insects, and several States have enacted new laws, while others at the present time have similar legislation under advisement. There has been some trouble between the States on account of the provisions of certain of the laws, and dealers in nursery stock and living plants have suffered in some instances from the enforcement of these provisions, and especially at first from a lack of knowledge of the exact terms of such provisions. The possession of such a compilation of recent laws as that which follows would have been of considerable service to such persons and will still doubtless be of service.

For a number of years national legislation has been agitated both as to the prevention of the importation of injurious insects from abroad and as to the regulation of interstate commerce in infested plants. At this date of writing no such national laws have been passed, but on account of its general interest the text of the so-called Barlow bill is given in full. The United States, it seems to the writer, needs protection from abroad. Certain European countries have for a number of years insisted upon an inspection certificate of living plants on account of the supposed danger of introducing the grapevine Phylloxera. More recently the Government of Cape Colony has prohibited the importation of living plants from the United States, and at this moment the German Government has provided for the inspection of American fruit and the rejection of living plants coming from this country.

In Bulletin No. 33 were published two sample foul brood laws, and in response to a demand there are printed in the present bulletin all, so far as I have been able to learn, of the State laws which aim to control this disastrous bee disease.

L. O. H.

LAWS RELATIVE TO INJURIOUS INSECTS AND FOUL BROOD.

STATE LAWS AGAINST INSECTS

CALIFORNIA.

CHAPTER 183.—LAWS OF 1897.

AN ACT to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the act entitled "An act to protect and promote the horticultural interests of the State," approved March 14, 1881, and certain acts amendatory thereof approved March 19, 1889, and March 31, 1891.

SECTION 1. Whenever a petition is presented to the board of supervisors of any county and signed by 25 or more persons, each of whom is a resident freeholder and possessor of an orchard, stating that certain or all orchards, or nurseries, or trees of any variety are infested with scale insects of any kind injurious to fruit, fruit-trees, and vines, codling-moth, or other insects that are destructive to trees, and praying that a commission be appointed by them whose duty it shall be to supervise the destruction of said scale insects, as herein provided, the board of supervisors shall, within 20 days thereafter, appoint a board of horticultural commissioners, consisting of three members, who shall be qualified for the duties of horticultural commissioner. Upon the petition of 25 resident freeholders and possessors of an orchard, the board of supervisors may remove any of said commissioners for cause, after a hearing of the petition.

SEC. 2. It shall be the duty of the county board of horticultural commissioners in each county, whenever it shall deem it necessary, to cause an inspection to be made of any orchards, or nursery, or trees, plants, vegetables, vines, or fruits, or any fruit-packing house, storeroom, salesroom, or any other place or articles in their jurisdiction, and if found infested with scale insects, or codling-moth, or other pests injurious to fruit, plants, vegetables, trees, or vines, or with their eggs or larvæ, they shall notify the owner or owners or person or persons in charge or in possession of the said places, or orchards, or nurseries, or trees, or plants, vegetables, vines, or fruit, or articles as aforesaid, that the same are infested with said insects or other pests, or any of them, or their eggs or larvæ, and they shall require such person or persons to eradicate or destroy the said insects or other pests or their eggs or larvæ within a certain time to be specified. Said notices may be served upon the person or persons, or either of them, owning or having charge or having possession of such infested place, or orchard, or nursery, or trees, plants, vegetables, vines, or fruit, or articles, as aforesaid, by any commissioner or by any person deputed by the said commissioners for that purpose, or they may be served in the same manner as a summons in a civil action. Any and all such places, or orchards, or nurseries, or trees, plants, shrubs, vegetables, vines, fruits, or articles thus infested are hereby adjudged and declared to be a public nuisance; and whenever such nuisance shall exist at any

place within their jurisdiction, or on the property of any nonresident, or on any property the owner or owners of which can not be found by the county board of horticultural commissioners, after diligent search, within the county, or on the property of any owner or owners upon which notice aforesaid has been served, and who shall refuse or neglect to abate the same within the time specified, it shall be the duty of the county board of horticultural commissioners to cause said nuisance to be at once abated by eradicating or destroying said insects or other pests or their eggs, or larvæ. The expense thereof shall be a county charge, and the board of supervisors shall allow and pay the same out of the general fund of the county. Any and all sum or sums so paid shall be and become a lien on the property and premises from which said nuisance has been removed or abated in pursuance of this act, and may be recovered by an action against such property and premises.

A notice of such lien shall be filed and recorded in the office of the county recorder of the county in which the said property and premises are situated within 30 days after the right to the said lien has accrued. An action to foreclose such lien shall be commenced within 90 days after the filing and recording of said notice of lien, which action shall be brought in the proper court by the district attorney of the county in the name and for the benefit of the county making such payment or payments, and when the property is sold enough of the proceeds shall be paid into the county treasury of such county to satisfy the lien and costs; and the overplus, if any there be, shall be paid to the owner of the property, if he be known, and, if not, into the court for his use when ascertained. The county board of horticultural commissioners is hereby vested with power to cause any and all such nuisances to be at once abated in a summary manner.

SEC. 3. Said county boards of horticultural commissioners shall have power to divide the county into districts, and to appoint a local inspector, to hold office at the pleasure of the commissioners, for each of said districts. The State board of horticulture may issue commissions as quarantine guardians to the members of said county board of horticultural commissioners and to the local inspectors thereof. The said quarantine guardians, local inspectors, or members of said county boards of horticultural commissioners shall have full authority to enter any orchard, nursery, place, or places where trees or plants are kept and offered for sale or otherwise, or any house, storeroom, salesroom, depot, or any other such place in their jurisdiction, to inspect the same or any part thereof.

SEC. 4. It shall be the duty of said county board of horticultural commissioners to keep a record of their official doings, and to make a report to the State board of horticulture, on or before the 1st day of October of each year, of the condition of the fruit interests in their several districts, what is being done to eradicate insect pests, also as to disinfecting and as to quarantine against insect pests and diseases, and as to carrying out all laws relative to the greatest good of the fruit interest. Said board may publish said reports in bulletin form, or may incorporate so much of the same in their annual reports as may be of general interest.

SEC. 5. The salary of all inspectors working under the county board of horticultural commissioners shall be $2.50 per day. In the case of the commissioners themselves, their compensation shall be $4 per day when actually engaged in the performance of their duties, and itemized necessary traveling expenses incurred in the discharge of their regular duties as prescribed in this act.

SEC. 6. It shall be the duty of the county board of horticultural commissioners to keep a record of their official doings and make a monthly report to the board of supervisors; and the board of supervisors may withhold warrants for salaries of said members and inspectors thereof until such time as said report is made.

SEC. 7. An act entitled "An act to protect and promote the horticultural interests of the State," approved March 14, 1881, and certain acts amendatory thereof approved March 19, 1889, and March 31, 1891, are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage

Approved March 31, 1897.

COLORADO.

CHAPTER 55.—LAWS OF 1897.

AN ACT concerning horticulture, and to repeal sections 5, 6, 7, 8, and 9 of an act entitled "An act to create State and county boards of horticulture, define their duties and compensation, to protect and promote the horticultural interests of the State, and to repeal an act to establish a bureau of horticulture, approved March 8, 1883," approved April 5, 1893.

SECTION 1. Whenever a petition is presented to the board of county commissioners of any county, signed by thirty-five (35) freeholders each one of whom shall be the owner of an orchard of at least two acres situate and growing in said county, stating that in their opinion a necessity exists for protecting the horticultural interests of said county, diminishing and destroying fruit pests, and diseases and insects injurious to fruit trees, plants, vines, and shrubs, the said county commissioners shall appoint a competent, experienced horticulturist, a person who shall be known as the county horticultural inspector, who shall hold his office for the period of one year, unless otherwise terminated by said board of county commissioners. It shall be the duty of the professor of entomology of the State agricultural college at Fort Collins, in this State, to examine all persons applying for a license as a horticultural inspector, and if found competent and fully qualified to perform the duties of the office, he shall issue to such applicant a license as a county horticultural inspector, which license shall certify to the competence of such applicant, and shall authorize him to act as an inspector in any county in the State for a period of two years from its date.

Said professor shall receive for such services a fee of five dollars from such applicant. No person shall enter upon the duties of the office of such inspector, nor continue in the performance thereof, unless holding such a license. Such inspector shall also give a good and sufficient bond before entering upon the duties of his office in the sum of one thousand dollars, conditioned for the faithful performance of the duties of the office, the surety on which bond may be a good and responsible guarantee company, and shall be approved by the board of county commissioners. Said inspector shall have the power to appoint as many deputies as may be necessary, subject to the approval of the county commissioners, who shall act under the direction and with the authority of said inspector. Said inspector shall be paid for his services the sum of four (4) dollars per day and said deputies two dollars and fifty cents per day out of the county treasury for as many days' services rendered as the board of county commissioners shall, by resolution, authorize. It shall be the duty of such inspector and his deputies to keep a complete record of their official doings and to make a quarterly report thereof to the board of county commissioners of said county, who shall withhold the warrant for the salary of any delinquent inspector or deputy until such report is made. The inspector shall furnish each owner or manager of an orchard or vineyard within his jurisdiction such blanks as may be provided by the State board of horticulture, containing questions and inquiries as to the condition of his orchard or vineyard and the extent to which the requirements of the inspector have been complied with. Such owner or manager shall fill out said blanks and return them to the inspector, who shall transmit them to the State board of horticulture. The board of county commissioners shall have the power to remove any inspector or deputy who shall, in their judgment, fail to perform the duties of the office.

SEC. 2. No person or persons, either as an owner, agent, servant, employee, or common carrier shall bring or cause to be brought into any county in the State of Colorado having a county horticultural inspector, from any district, county, State or foreign country, any trees, vines, shrubs, scions, cuttings, grafts, fruits or fruit pits, without giving notice of their arrival at their destination within 24 hours thereafter, to the horticultural inspector of said county; nor keep, sell, plant, expose for sale, deliver, give away or otherwise distribute any of the articles mentioned in this section, or cause or permit the same to be done, except upon order of the county

inspector and until they shall first have been inspected as hereinafter provided, and disinfected to the satisfaction of the said inspector.

SEC. 3. Whenever the county horticultural inspector shall be notified of the arrival of any of the articles enumerated in section 2 of this act, he shall within 48 hours make a careful inspection of the same, and if any such articles shall be found by him to be infested with any disease, live scale, or insect pests, detrimental or injurious to fruit trees or the product thereof, or to plant life, such infested articles shall be removed from the limits of the county within 48 hours thereafter, at the expense of the owner, agent or shipper, or shall be destroyed. The owner, agent or shipper shall have the right to elect as to the removal of such infested articles from the county, or to have the same destroyed by order and under the direction of said inspector.

SEC. 4. The county horticultural inspector shall have the power to establish and maintain quarantine and inspecting stations within his county, whenever and wherever the same may be authorized by the board of county commissioners, and of such character as they shall direct.

SEC. 5. If the result of the inspection of the county horticultural inspector shall be to put any of the articles mentioned in section 2 of this act in quarantine, such articles shall be exempt from removal from the county during the pendency of such quarantine regulations. Whenever said inspector shall deem it necessary to the safety of the horticultural interests of his county, he may hold in quarantine for information, subsequent inspection or disinfection and final order relative thereto, any of the articles enumerated in said section 2 of this act for such reasonable time as in his judgment is necessary, without unreasonable delay.

SEC. 6. Any person or persons who shall ship or bring or cause to be brought or shipped into any county of the State having a county horticultural inspector any of the articles mentioned in section 2 of this act, shall have placed upon or securely attached to each box, package, or separate parcel of such articles, a distinct mark or label showing the name of the owner, agent, or shipper, the name of the grower, and any further evidence necessary to determine the locality where grown.

SEC. 7. It shall be the duty of the county horticultural inspector in each county, whenever he shall deem it necessary, to make an inspection of any orchard, nursery, or trees, or any fruit-packing house, storeroom, salesroom, or other place, or article within his jurisdiction, and if found infested with insects, or pests or diseases injurious to fruit, fruit trees, vines, bushes, or other horticultural interests, he shall notify the owner or owners, or person or persons in charge or in possession of such trees, place, or other thing as aforesaid, that the same or any of them are infested with insects or their eggs or larvæ, or with fruit or fruit-tree diseases, and shall give a formula for the treatment thereof, and such person or persons so notified shall eradicate or destroy the said insects or pests, or their eggs or larvæ, within a certain time to be specified in said notice. Said notices may be served upon the person or persons, or either of them, owning or having charge or having possession of such infested place, trees, or other thing as aforesaid, by the inspector or any deputy inspector. Any and all such places, trees, or other thing thus infested are hereby declared and adjudged to be a public nuisance. Whenever any such nuisance shall exist at any place within his jurisdiction on the property of any nonresident, or on any property the owner or owners of which can not be found by the inspector after diligent search within the county, or on the property of any owner or owners upon which notice has been served and who refuses or neglects to abate the same within the time specified, or to follow the directions given by said inspector for disinfecting the same, it shall be the duty of such inspector to cause the same to be at once abated by eradicating or destroying said insects or other pests, their eggs or larvæ, so far as practicable, and he may, if necessary, cut back, disinfect, fumigate, or burn said infested trees, vines, and shrubs, as well as other articles in the vicinity which are also infested, but the inspector shall not proceed to abate any such nuisance where his directions have been followed.

The expense thereof shall be first paid by the county upon filing of proper vouchers therefor. Any and all sums so paid, together with the inspectors [inspector's] salary while engaged upon said property, shall be and become a lien on the property and premises from which said nuisance has been removed or abated, in pursuance of this act, upon the filing with the county clerk and recorder of the said county, a sworn statement showing the itemized amount of such sum or sums, and a description of such property or premises. Such lien may be foreclosed by an action against such property and premises, which action shall be brought by the district attorney in the name and for the benefit of the county making such payment. When the property is sold the proceeds thereof shall be paid into the county treasury of such county to satisfy the lien and costs, and the surplus, if any, shall be paid to the owner by order of the board of county commissioners, upon his applying therefor.

SEC. 8. It shall be unlawful for any person or persons to spray fruit trees while in bloom with any substance injurious to bees.

SEC. 9. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period of not less than 10 nor more than 100 days, or by a fine of not less than $10 nor more than $100. Any justice of the peace or district or county courts of the respective counties shall have jurisdiction to try any case arising under the provisions of this act.

SEC. 10. Sections 5, 6, 7, 8, and 9 of an act entitled "An act to create State and county boards of horticulture; define their duties and compensation; to protect and promote the horticultural interests of the State, and to repeal an act to establish a bureau of horticulture, approved March 8, 1883," approved April 5, 1893, are hereby repealed.

SEC. 11. In the opinion of the general assembly an emergency exists, therefore this act shall take effect and be in force from and after its passage.

Approved April 16, 1897.

GEORGIA.

No. 346.

AN ACT to require the commissioner of agriculture to establish a special department of horticulture and pomology, to employ an entomologist, fix his salary and define his duties, to provide for inspection of fruit trees, fruit, vineyard, melon and vegetable farms, and prevent, diminish and destroy contagious diseases and destructive insects in orchards, vineyards, and other places; to provide boards of arbitration, fix their powers, define their duties, and provide for their costs; to provide funds for the maintenance of said department, to prescribe penalties for violations, and for other purposes.

Be it enacted by the general assembly of Georgia:

SECTION 1. That from and after the passage of this act, the commissioner of agriculture of this State shall establish and operate a special department of horticulture and pomology in connection with and to be a part of the department of agriculture, and said special department to be under the direct control and management of the commissioner of agriculture, who shall formulate such rules and regulations as he may deem best for the success of said special department and the carrying out of the purposes and intent of this act.

SEC. 2. That the commissioner of agriculture shall employ and appoint one competent person, who shall be recommended by the State horticultural society, and who shall be an entomologist especially qualified by practical experience and a thorough knowledge of horticultural and pomological science, for the term of two years, to assist him in operating said special department and perform such duties as may be required of him by the commissioner of agriculture in connection with said special department.

SEC. 3. It shall be the duty of said entomologist after subscribing to an oath for the faithful performance of all duties required of him by direction of commissioner of agriculture, to encourage practical horticulture and pomology in this State; to collect, compile, compose and distribute information and statistics on these subjects of a practical, specific and general character among the fruit and vegetable growers of the State; to visit horticultural, fruit, melon, and vegetable growing sections of the State, to inspect orchards, fruit trees, vineyards, melon farms, vegetable farms, nurseries, plants, grafts, scions, packing houses, fruit cars, fruit packages, boxes and other materials used for handling, marketing and shipping fruits, melons and vegetables.

SEC. 4. Said entomologist shall upon discovery of any infectious or contagious disease or insect pests, injuries to fruit trees, melons, vineyards, plants, or vegetables, report the same in detail to the commissioner of agriculture, together with all the information he can obtain by correspondence, books, practical experience, personal observation, or otherwise, as to origin, effect, habit, experience with, treatment of and remedies for such diseases, pests, or infections, and shall make such suggestions as will tend to diminish or destroy such diseases and insect pests, and perform such other acts and duties, by direction of the commissioner of agriculture, as will subserve the public good in extension and protection of the horticultural and pomological interest of the State.

SEC. 5. That when complaint is made, or information comes to the commissioner of agriculture, that there exists in any orchard, fruit trees, vineyard, melon farm, vegetable farm, fruit packinghouse, storeroom, sales room, or any other place in this State, or contagious diseases, or that are infected with destructive insects, or the eggs or larvæ of such insects, or that any package of trees, fruit, or plants, are in transit to this State, or in the State, being or to be distributed, which are known or suspected to be from localities that are infected with contagious diseases, pests, or insects which are injurious to the fruit, melon, or vegetable interest of this State, he shall cause the entomologist to inspect the premises or property to which such complaint or information relates, and if the same be found to be diseased or infected, as aforesaid, the commissioner of agriculture shall order, in writing, the person or persons owning or having in charge the premises or property so infected, to destroy, disinfect, or remove from the State the same, as he deems for the best interest of the State, within five days after the receipt of said notice.

SEC. 6. That any person or persons receiving notice from the commissioner of agriculture to destroy, remove or disinfect any such diseased or infected premises or property, shall within five days from the receipt thereof destroy, remove, or disinfect said premises or property, as directed by said commissioner, and notify him that the same has been done; or, should said person or persons so notified object to compliance with the order of the commissioner of agriculture, he shall within five days from the receipt of said notice inform said commissioner, in writing, setting forth his objections and reasons for refusal to comply with his order. It shall then be the duty of said commissioner to notify said objector of his intention to arbitrate the case, as hereinafter provided.

SEC. 7. That in all cases of disagreement, arising under this act, between the commissioner of agriculture and any person or persons objecting to the execution of his order in reference to destroying, removing, or disinfecting property, the commissioner of agriculture shall select one person, the objector shall select one person, and the said two, so selected, shall select a third person, all of whom shall be citizens of the county of this State where the cause pending originated, and they shall be, and are hereby constituted a board of arbitration with power to try any case arising under this act.

SEC. 8. That said board of arbitrators, when appointed, after taking the usual oath of arbitrators, shall immediately notify all parties at interest of the day, time, and place of their meeting, to try said cause; and they shall take testimony, try, and adjudge said matter and render their decision, in writing, to both the objector and

commissioner of agriculture; and if their decision be against the objector, they shall place the order of the commissioner of agriculture in reference thereto in the hands of the sheriff or his deputy, who shall immediately proceed to execute the same and collect all costs of said trial, including one dollar each for the arbitrators, from the objector; but if their decision shall be in favor of the objector, then all costs, including the sum of one dollar each for the arbitrators, to be paid by the county in which said cause was tried. Said board shall have power to subpœna and require the presence of such witnesses as may be needed in any investigation pending before them, in the same manner as justices of the peace may do.

SEC. 9. That any person or persons refusing or failing to obey the order of the commissioner of agriculture in reference to destroying, removal, or disinfection of premises or property in their possession, infected or diseased as aforesaid, and who shall fail to notify said commissioner, as heretofore provided, or shall refuse to appoint an arbitrator or arbitrate said cause, as provided in this act, or shall hinder or prevent the sheriff or his deputy from executing said order, or shall prevent the entomologist from entering upon premises or inspecting property suspected or known to be diseased or infected, shall be guilty of a misdemeanor, and upon conviction shall be punished, as prescribed in section 1039, volume 3, of the Code of 1895.

SEC. 10. That the sum of twenty-five hundred dollars ($2,500), or so much thereof as may be necessary, shall become, and is hereby, made a charge against the annual appropriation of ten thousand dollars, which latter was made for the purpose of carrying out the designs for which the department of agriculture was instituted; and the said twenty-five hundred dollars shall be used by the commissioner of agriculture to pay an annual salary, not to exceed fifteen hundred dollars ($1,500) per annum, to an entomologist, and to pay the actual and necessary expenses of said special horticultural and pomological department, not to exceed the sum of one thousand dollars.

SEC. 11. That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Approved December 21, 1897.

IDAHO.

S. B. No. 79.—RELATING TO HORTICULTURE.

AN ACT to create and define the duties of State board of horticultural inspection, appropriate money for the expense thereof, and to prevent the gift, sale, distribution, transportation, or planting of infested trees, plants, cuttings, grafts, scions, buds, or other horticultural material, and to provide for disinfection or destruction of the same, and prescribing penalties for failure to comply with the provisions of this act.

Be it enacted by the legislature of the State of Idaho:

SECTION 1. There is hereby created the State board of horticultural inspection, which board shall consist of five members, as follows: The professors of botany and zoology of the University of Idaho shall be ex-officio members of said board and the other three members shall be appointed by the governor of the State as soon as may be after the passage of this act, and shall hold their offices for the term of three years or until their successors are appointed and qualified, and in making said appointments the governor shall consider the recommendations of the "State Horticultural Society" as the proper persons to be appointed: *Provided*, That of the three members of said board first appointed after the passage of this act, one shall hold his office for one year, one for two years, and one for three from the date of his appointment.

SEC. 2. Before entering on the duties of his office, each member of said board shall take and subscribe the official oath prescribed for State officers, which oath shall be filed in the office of the secretary of state.

SEC. 3. Said board shall meet on March 15, 1897, when it shall elect a president and a secretary from its number, who shall hold their offices during the pleasure of the board. The secretary shall perform such duties as may be prescribed by the board, and shall receive such compensation as the board may establish, not exceeding two hundred and fifty dollars per annum. Said board shall meet annually at such times and at such places as it shall be determined.

SEC. 4. Said board shall at its first meeting divide the State into not more than ten districts, and shall appoint a "State horticultural inspector" for each district so established. The persons so appointed shall be especially qualified for the position by reason of practical knowledge of horticulture and the pests incident thereto. Their jurisdiction shall be limited to their respective districts. Said inspectors shall hold their offices during the pleasure of said board, and shall be furnished with all necessary stationery and blanks by said board. Said board shall make an estimate of the amount of money available for each of said districts each year, and no inspector shall incur any expense of any kind under this act in excess of said estimate furnished him by said State board. The aggregate sum of all the estimates furnished to the various district inspectors for any year must in no case exceed the appropriation available for carrying out this act for such year.

SEC. 5. Each inspector so appointed shall receive as compensation for his services as such inspector the sum of five dollars per day for each day actually and necessarily employed in the discharge of his duties as prescribed in this act. Such compensation shall be paid out of the general fund of the State, upon warrants duly drawn by the State auditor, only after the bills presented for such service shall have been audited and approved by the secretary and a majority of the members of said board and audited as other bills against the State of Idaho.

SEC. 6. It shall be the duty of said State inspectors, either upon their own motion or upon the complaint of interested parties, to enter and make, or cause to be made, inspections of any field, rights of way of irrigation canals or railways, public highways, orchard, nursery, fruit-packing houses, storeroom, salesroom, depot, or other place where fruits are grown or stored, and of fruits, trees, plants, vines, or other horticultural material within the State, supposed to be or liable to be infested with fruit pests, or with their eggs, or larvæ, or infested with contagious disease injurious to fruits, plants, trees, or vines, as hereinafter provided.

The inspector shall require such person or persons to eradicate or destroy such injurious pests or other insects or their eggs or larvæ within a reasonable time, to be specified; said notice shall be served on said person or persons, or either of them, owning or having in charge such infested place, orchard, nursery, trees, plants, vines, fruit, or articles as visited by the inspector, or it may be served in the same manner as the summons in a civil action. If the owner or owners, or the person or persons in charge or possession of any orchard or nursery, or trees or places, or horticultural articles infested with insects or any of them, or their larvæ or eggs, after having been notified as above to destroy the same, shall fail, neglect, or refuse to do, then any and all such places, public highways, orchards, nurseries, trees, plants, vines, fruit, or articles thus infested are adjudged and declared to be a public nuisance, and shall be proceeded against as such; and whenever any such nuisance shall exist at any place in the State, or on the property of any nonresident, or on any highway as aforesaid, or on any property the owner or owners of which can not be found within the State, or on any property where notice has been served as aforesaid and where the owner or those in possession shall refuse or neglect to abate such nuisance within the time specified, it shall be the duty of the inspector within the county or district wherein the nuisance is to be abated, and he is hereby empowered to cause said nuisance to be abated at once by eradicating or destroying all said pests or their eggs or larvæ; or by disinfecting or destroying all fruit, vines, plants, or other articles upon which any of said fungus diseases, pests, or their eggs or larvæ may be found. The expense of such proceedings shall be paid out of the general fund of the State in the same manner as above set forth for paying such inspectors.

SEC. 7. The inspectors are hereby invested with all necessary authority to enforce quarantine against any infested fields, lots, orchards, nurseries, trees, plants, shrubs, vines, buds or scions, fruits, or any place or article within the State when the same may be liable to spread contagious diseases injurious to fruit or trees, or fruit crops of any kind, and to provide necessary rules and regulations to govern the same.

SEC. 8. For the purpose of disseminating knowledge concerning contagious diseases or injurious pests affecting trees, plants, vines, or fruits, and the remedies, preventives, and disinfectants applicable thereto, the board shall from time to time, as it may deem necessary, have printed bulletins containing such information, remedies, preventives, and disinfectants as it may approve, which bulletins shall be circulated among the fruit growers, fruit dealers, shippers, transportation companies of horticultural products, and their agents within the State.

SEC. 9. All peach, nectarine, apricot, plum, prune, almond, or other trees, budded or grafted upon peach stocks or roots; all peach or other pits, cuttings, buds, or scions raised or grown in a district where "peach yellows" or "peach rosette" is known to exist, are hereby prohibited from being offered for sale, gift, distribution, transportation, or planting within the State of Idaho. Any person, persons, dealers, shippers, transportation companies or their agents who shall be in possession of any such property for any purpose shall, when required by the inspector, burn the same without delay.

SEC. 10. Fruit of any kind, trees, plants, cuttings, grafts, buds, seeds, scions, pits, or transportable material of any kind grown in any foreign country or in any of the United States or Territories, infested by any insect or insects, or their eggs or larvæ, seeds of weeds, or by any fungus or other disease or their germs, known to be injurious to fruit, or fruit trees or to other trees, and liable to spread contagion, are hereby prohibited from being offered for sale, gift, distribution, transportation, or planting in any county of this State until the same shall have been examined by the State inspector for such county or district, and if found diseased or infested, shall have been thoroughly disinfected as may be required by the inspector, the owner to pay the actual expense of such disinfection.

SEC. 11. Any person or persons shipping fruit or fruit trees, scions, cuttings, or plants within the State shall affix to each package or parcel containing the same a distinct mark, stamp, or label, showing the name of the produce and the shipper of the same and the locality where grown.

SEC. 12. Any person, persons, dealers, or shippers having in their possession any fruit, trees, plants, cuttings, grafts, buds, seeds, pits, scions, or other transportable horticultural stock of any kind infested with any injurious insects or their germs, or with any fungus or other diseases injurious to fruit or fruit trees, or to other trees or plants, or who shall sell or offer for sale, gift, distribution, transportation, or planting, or who shall refuse or neglect to destroy or disinfect (as provided in this act or as ordered by the inspector of his district) the said fruit or trees, plants, cuttings, pits, scions, or other material, or who shall refuse or neglect to attach a distinct mark or label as hereinbefore provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five nor more than five hundred dollars.

SEC. 13. Each inspector shall make a detailed report of all his official acts to the secretary of said board on the first day of every month, which report shall be under oath and shall include a statement of the number of days actually and necessarily employed and miles traveled as such inspector during said month, and a detailed statement of the amount due him or to other persons for services or expenses incurred in carrying out the provisions of this act. The secretary of said State board shall audit all such bills and shall submit them by mail to each member of said State board for approval and signature. If approved by a majority of said board said bills shall be transmitted to the State auditor and they shall be audited and paid as other claims against the State: *Provided*, Such bills shall not be so sent by mail to

the members of the board during the month in which occurs the annual meeting of said board, but shall be submitted at such meeting.

SEC. 14. The members of the board shall serve without compensation, but shall receive actual expenses incurred in attending the meetings of the board.

SEC. 15. All county officers shall be liable on their official bonds for the proper performance of any duties imposed by this act.

SEC. 16. Inexcusable neglect or refusal to comply with the orders of a State inspector, made in pursuance of the provisions of this act, shall constitute a misdemeanor, and shall be punished as provided for misdemeanors in section 13 of this act.

SEC. 17. There is hereby appropriated out of any money in the State treasury not otherwise appropriated for carrying out the provisions of this act for the period ending with the close of the fiscal year of 1898 the sum of ten thousand five hundred dollars, or so much thereof as may be necessary, of which not more than one thousand five hundred dollars shall be available for paying the expenses of the State board, the secretary, stationery, postage, and printing; and nine thousand dollars for payment of the per diem of the inspectors and of expenses incurred by them in carrying out the provisions of this act. The State auditor shall draw warrants against said appropriation in favor of the proper persons upon bills properly approved by a majority of said State board, and audited as provided by law for other claims against the State.

SEC. 18. Whereas there is great danger to the horticultural interests of the State of Idaho from pests and other causes for which no adequate remedy has been provided, this act shall take effect from and after its approval by the governor.

SEC. 19. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 12, 1897.

KENTUCKY.

LAWS OF 1897.

AN ACT to provide for the inspection of nursery stock and to prevent the dissemination of noxious insects and fungi.

SECTION 1. That all nurseries in Kentucky, where trees, vines, plants or other nursery stock are grown and offered for sale, shall be inspected by the entomologist and botanist of the State agricultural station once each year at such time as he may elect, and he shall notify, in writing, the owners of such nurseries, the commissioner of agriculture and statistics, the director of the State agricultural experiment station, and the president of the State horticultural society of the presence of any San Jose scale or other destructively injurious insects or fungi on the trees, vines, plants, or other stock of such nurseries, and shall also notify, in writing, the owner of any affected stock that he is required, on or before a certain day, to take such measures for the destruction of such insects or fungus enemies of nursery stock as have been shown to be effectual for this purpose. Said entomologist and botanist shall, for the purpose of this act, be, and he is hereby declared to be, the State entomologist, and shall serve without pay other than that he may receive as an officer of the State agricultural experiment station, but his expenses shall be paid as hereinafter provided.

SEC. 2. The owner of this affected nursery stock shall, within the time specified, take such steps for the destruction of San Jose scale or other destructively injurious insects or fungus enemies present as will exterminate the same, and it shall be a misdemeanor to ship or deliver any of such stock, punishable by a fine of $50 for every such offense, the fine recoverable before a justice of the peace or by indictment of the grand jury of the county in which the nursery is situated, or of that to which such stock may have been shipped.

SEC. 3. Whenever a nurseryman or seller of trees, vines, plants, or other nursery stock, who is a resident of this Commonwealth, shall ship or deliver any such goods,

he shall send on each package so shipped or delivered a written certificate, signed by him, stating that the whole and every part of such stock has been examined by a State or Government entomologist and found free from San Jose scale or other destructively injurious insects or fungus enemies. Failure to furnish such certificate, or furnishing a false certificate, shall render him liable to the penalty of a fine of $50 for each and every such shipment or delivery without such certificate.

SEC. 4. When the State entomologist examines any trees, vines, plants, or other nursery stock in this State, under the provisions of this act, and finds such nursery stock free from San Jose scale and other destructively injurious insect and fungus enemies, he is hereby authorized and directed to make out and deliver, in writing, to the owner of such stock a certificate stating that he has inspected such stock and found the same free from San Jose scale and other destructively injurious insect and fungus enemies, and he shall file similar certificates with the commissioner of agriculture and statistics and with the president of the State Agricultural and Mechanical College, which certificate shall at all times be subject to public inspection.

SEC. 5. Whenever a nurseryman, fruit grower, or agriculturist in this Commonwealth shall know or have good reason to believe that his trees, vines, or plants are affected with the San Jose scale, yellows, rosette, or other destructive insect or fungus enemies, he shall have the privilege and it shall be his duty to notify the State entomologist, who shall proceed to the premises designated and examine the same and suggest and recommend the proper remedies for the destruction of such insect or fungus enemies that may be present.

SEC. 6. Every package of trees, vines, plants or other nursery stock shipped into this State from another State shall be plainly labeled on the outside with the name of the consignor, the name of the consignee, the contents, and the certificate, signed by a State or Government inspector, showing that the contents have been examined by him, and that such stock is free from San Jose scale, or other destructive insect or fungus enemies. Whenever any trees, vines, plants or other nursery stock are shipped into this State without such a certificate plainly fixed on the outside of each package, the fact may be reported to any justice of the peace of this Commonwealth, and said justice shall issue a summons for the consignee of such package, and the agent of the consignor, if he be known, to appear before him on a certain day, to be therein named, to show cause why such trees, vines, plants or other nursery stock should not be seized, as being in violation of this act, and on trial thereof, if said justice be satisfied that the provisions of this act have been violated, he shall order said agent or consignee to return such package of trees, vines, plants or other stock immediately to the shipper or consignor, unless such said consignee or agent shall forthwith, and at his own expense, have such trees, vines, plants or other nursery stock examined by the State entomologist, or such person as he may appoint to make the examination, and he certifies to the justice of the peace that such nursery stock is free from San Jose scale or other destructive insects or fungus enemies. If such consignee or agent fail to have such inspection made, or fail to return such package to the shipper or consignor thereof, then the justice of the peace shall order and direct the constable or sheriff to burn and destroy, at the expense of the agent or consignee, all such trees, vines, plants or other stock as have been shipped into this Commonwealth in violation of law.

SEC. 7. The sum of $500 annually, or so much thereof as may be necessary, is hereby appropriated for the purpose of paying the expenses of the State entomologist in the performance of his duties under the provisions of this act, and the auditor of public accounts is hereby directed to honor requisitions made by said State entomologist for expenses incurred in the performance of his duties, and the State entomologist shall make annual report to the treasurer of the amount expended.

SEC. 8. Inasmuch as the insect known as the San Jose scale has appeared in some sections of the Commonwealth, a great destruction of fruit and fruit trees is imminent therefrom, an emergency is declared to exist, and this act shall take effect from and after its passage and approval by the governor.

Approved May 20, 1897.

LOUISIANA.

Laws of 1894.

An Act to prevent the introduction, propagation, or distribution in this State of any fruit trees or fruit growth affected with any infectious disease or infectious insects injurious to fruit growth, and to provide penalties for violation of same.

Section 1. That it shall be unlawful for any person to bring into this State any fruit trees or vines, shrubs, scions, cuttings, buds, grafts, fruit pits, or any kind of fruit growth affected with any infectious disease or insects injurious to the growth of fruit, or propagate the same, or offer the same for sale or in any way distribute or attempt to distribute the same in this State.

Sec. 2. That all fruit trees, vines or shrubs, scions, cuttings, buds, grafts, or fruit pits, or any tree growth of any kind brought into this State or offered for sale or distributed in this State, shall be properly labeled with the name of the owner, agent, shipper, or grower, and the locality where grown, and shall be subject to the inspection of the entomologist of the State agricultural experiment station.

Sec. 3. That it shall be the duty of the entomologist of the State agricultural experiment station, at the request of the director of such station, to visit any section of the State when such visit can be made without expense to the State, where there are diseased fruit trees or any tree growth infected with disease or insects injurious to tree growth, to examine and report on such diseased fruit, growth, or infected tree growth, and if such examinations prove the infected trees perniciously infected it shall be the duty of the owner, agent, or possessor of such diseased fruit trees or infected tree growth to at once disinfect or destroy the same.

Sec. 4. That any willful neglect or violation of this act shall subject the offender to a fine of not less than $5, nor more than $100, or imprisonment in the parish or city jail of not less than one day nor more than three months, or both, at the discretion of the court, and the provisions of this act shall be enforced by the district attorney in any court of competent jurisdiction on the complaint of any party in interest, and all moneys derived from the enforcement of the provisions of this act shall, after the payment of all fees allowed by law, be paid over to the State agricultural experiment station to carry out the inspection provided for by this act.

Approved July 11, 1894.

MARYLAND.

CHAPTER 290.—Laws of 1896.

An Act to add to article 48 of the code of public general laws, title "inspections," a new sub-title, to be known as "trees and nursery stock," and seven new sections thereunder, to be designated "sections 51, 52, 53, 54, 55, 56, and 57," providing for the examination of trees, plants, vines, and nursery stock, and to exterminate the San Jose scale, rosette, yellows, and other diseases and insects.

Section 1. That there shall be added to article 48 of the code of public general laws, title "inspections," a new sub-title, to be known as "trees and nursery stock," and seven new sections thereunder, to be designated "sections 51, 52, 53, 54, 55, 56, 57."

(51) The governor of Maryland shall, once in every two years, designate and appoint one of the professors at the Maryland Agricultural College State entomologist, who shall serve without pay, other than that he may receive as professor at said college, but whose expenses shall be paid, as hereinafter provided, whose duty it shall be to inspect any and all nurseries in the State of Maryland, where any trees, plants, vines, or other nursery stock is grown, between the first day of each March and the first day of September next succeeding, and he shall notify, in writing, the

owner of such nursery, the governor of this State, and the principal of the agricultural college of the existence of any San Jose scale, yellows, rosette, or any other insect or disease which may affect the trees, vines, plants, or other stock in such nursery, and also notify the owner thereof, in writing, that he is required on or before a certain day, to be named therein, to take such measures as have been shown or proven to be effectual for the destruction of such San Jose scale, yellows, rosette, or other disease, to destroy and exterminate the same.

(52) The owner of such nursery, trees, vines, or nursery stock shall, within the time specified in such notice, take such steps for the destruction of such San Jose scale, or other insect or disease as will exterminate the same, and he shall not ship or deliver any trees, plants, vines, or other nursery stock affected with such disease or insect, under a penalty of a fine of $1 for every tree, plant, or vine so affected when shipped from such nursery, which fine may be collected by suit by the State's attorney of the county in which such nursery is located, one-half to go to the informer, the balance to be paid to the trustees of said agricultural college.

(53) Whenever it shall happen that the State entomologist shall give the notice heretofore required to the owner of a nursery for the destruction of the insects or diseases mentioned, and the said owner shall fail or neglect to take the measures necessary for the destruction thereof within the time mentioned in the notice given him, it shall be the duty of the State entomologist to have the proper remedies applied to such nurseries for the destruction of such insects or diseases, and shall employ all necessary assistance, and may enter the premises of the said owner of such nursery for the purpose of treating and exterminating such insects or diseases, and the said owner of such nursery shall be liable for the costs of such proceeding.

(54) Whenever a nurseryman or seller of trees, plants, vines, or other nursery stock shall ship or deliver any such goods to any purchaser in this State, he shall send on each and every package so shipped or delivered, as well as transmit to the purchaser by mail, a written or printed certificate signed by him that the whole and every part of such stock or goods have been examined by the State or Government entomologist, and that the same is entirely free from all San Jose scale, yellows, rosette, and every other insect or disease whatever, and failure to furnish such certificate shall render him liable to the penalty of a fine of $100 for each and every such shipment or delivery without such certificate.

(55) Whenever any nurseryman, fruit-grower, or agriculturist in this State shall know or have good reason to believe that his trees, plants, or vines are affected with San Jose scale, yellows, rosette, or any other insect or disease, he shall have the privilege and it shall be his duty to notify the State entomologist thereof, who shall at once proceed to the premises designated and examine the same, and suggest and recommend the proper remedies for the destruction of the same, and give all information he can to aid in exterminating such insect or disease, and instruct the owner thereof how to use the remedies he recommends.

(56) The said State entomologist, when he examines any trees, plants, vines, or nursery stock in this State under the provisions of this act, and he finds such trees, plants, vines, or nursery stock is free from all San Jose scale, yellows, rosette, or other disease or insect, he is hereby authorized and directed to make out and deliver in writing to the owner of such trees, plants, vines, or nursery stock a certificate that he has examined such trees, plants, vines, or nursery stock, and that he finds the same free from all San Jose scale, yellows, rosette, or other disease or insect, and said State entomologist shall also file a similar certificate with the governor of the State and with the president of the said agricultural college, which certificates shall at all times be subject to public inspection.

(57) The sum of $500, annually, or so much thereof as may be necessary, is hereby appropriated for the purpose of paying the expenses of the State entomologist in the performance of his duties under the provisions of this act, and the comptroller is hereby directed to issue his warrant upon the treasurer for the said sum, and the State entomologist shall make report to the comptroller of the amount expended.

(58) Whenever any trees, plants, or vines are shipped into this State from another State every package thereof shall be plainly labeled on the outside with the name of the consignor, the name of the consignee, the contents, and a certificate showing that the contents have been inspected by a State or Government officer, and that the trees, vines, or plants therein contained are free from all San Jose scale, yellows, rosette, and other injurious insect or disease. Whenever any trees, plants, or vines are shipped into this State without such certificate plainly fixed on the outside of such package the fact may be reported to any justice of the peace of this State, and such justice shall issue a summons for the consignee of such package, and the agent of the consignor, if he be known, to appear before him on a certain day, to be therein named, to show cause why such trees, plants, or vines should not be seized as being in violation of the provisions of this act, and on trial thereof, if said justice is satisfied that the provisions of this act have been violated, said justice shall order said agent or consignee to return said packages of trees, plants, or vines immediately to the shipper or consignor unless said consignee or agent shall forthwith have said trees, plants, or vines examined by the State entomologist of this State, and he certify to such justice of the peace that the said trees, plants, or vines are free from all insect and disease; and if said agent or consignee shall fail to have such nursery stock examined by the State entomologist, or fail to return such packages to the shipper or consignor thereof, then said justice of the peace shall order and direct the constable or sheriff to burn and destroy all such trees, plants, and vines as have been shipped into this State in violation of law.

SEC. 2. That this act shall take effect from the date of its passage.

Approved April 2, 1896.

MICHIGAN.

LAWS OF 1897.

AN ACT to prevent the introduction or spread of San Jose scale or other injurious insects or infectious diseases of trees, vines, shrubs, or plants grown in this State or imported from other States, provinces, or countries.

SECTION 1. That it shall be the duty of the State board of agriculture, immediately upon the taking effect of this act, to appoint some competent person who shall be known as State inspector of nurseries and orchards, who shall hold office during the pleasure of said board, whose duty shall be to inspect any and all nurseries in the State of Michigan, as to whether they are infected by San Jose scale or other injurious or destructive insects or infected with infectious or contagious diseases, and if upon such inspection he find no such dangerous insects or diseases, he shall, upon payment of per diem fee hereinafter provided, give to the owner of such nurseries a certificate to that effect, and shall file a duplicate certificate with the State board of agriculture; and in case he shall find present in any such nursery any of said dangerous insects or diseases he shall notify the owner thereof in writing, and shall direct him within five days to use such means as will exterminate such dangerous diseases or insects, and the owner of such nursery shall not ship nor deliver any such trees, vines, shrubs, or plants affected by such dangerous insects or diseases until he shall have secured from said inspector a certificate as aforesaid.

SEC. 2. The owner of such nursery, trees, vines, shrubs, or plants shall, within the time specified in such notice, take such steps for the destruction of such insects or diseases as will exterminate the same, and he shall not ship nor deliver any such trees, vines, shrubs, nor plants affected with such dangerous diseases or insects, under the penalty of a fine of $1 for every tree, vine, plant, or shrub so affected, when shipped or delivered from such nursery, which fine shall be collected by suit by the prosecuting attorney of the county in which said nursery is located.

SEC. 3. Whenever it shall happen that the State inspector of nurseries and orchards shall give the notice heretofore required to the owner of a nursery for the destruction of the insects or diseases mentioned, and said owner shall fail or neglect to take the measures necessary for the destruction thereof within the time mentioned in the notice given him, it shall be the duty of the State inspector of nurseries and orchards to have the proper remedies applied to such nursery for the destruction of such diseases or insects, and shall employ all necessary assistance and may enter the premises of said owner of such nursery for the purpose of treating and exterminating such insects or diseases; and the said owner of such nursery shall be liable for the costs of such proceeding, for the services of the inspector at a rate per diem to be fixed by the State board of agriculture, not to exceed $3 per day, and for such number of days as said board shall determine, which said charge must be paid before delivery of the certificate in section 1 of this act.

SEC. 4. Whenever any trees, shrubs, plants, or vines are shipped into this State from another State, country, or province, every package thereof shall be plainly labeled on the outside with the name of the consignor, the name of the consignee, the contents, and a certificate showing that the contents have been inspected by a State or Government officer, and that the trees, vines, shrubs, or plants therein contained appear free from all injurious insects or diseases. Whenever any trees, shrubs, vines, or plants are shipped into this State without such certificate plainly fixed on the outside of the package, box, or car containing the same, the fact must be reported within 24 hours to the State board of agriculture by the railway, express, or steamboat company, or other person or persons carrying the same; and any agent of any railway, steamboat, or express company, or any other person or persons who shall violate the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than $25 nor more than $100, or imprisonment in the county jail not less than 5 nor more than 30 days, or may be so fined and imprisoned in the discretion of the court, and any such fine shall be paid to the State board of agriculture.

SEC. 5. Any person or persons growing or offering for sale in this State any trees, vines, shrubs, or plants, commonly known as nursery stock, shall on or before the first day of August in each year apply to the State board of agriculture for inspection of said stock under the provisions of this act and a license for its sale, and shall deposit with said board a fee of $5 as a license fee for himself as principal. Such license shall be good for one year and shall not be transferable, and each of such persons, principals, shall execute to the State board of agriculture a bond in the sum of $1,000, with good and sufficient sureties satisfactory to said board, conditioned that he will comply with all the provisions of this act, and that upon demand he will file with the State board of agriculture a list of the persons to whom he has sold or delivered any such nursery stock, giving the species, together with the post-office address of each purchaser, which list shall be held in strict confidence by the said State board of agriculture, and not be subject to inspection by the public. Failure on the part of any nurseryman, grower, agent, or dealer to comply with the provisions of this section shall render him or them liable to the penalties of a fine of not more than $100 nor less than $25, or imprisonment in the county jail for not more than 90 nor less than 30 days, or both such fine and imprisonment, in the discretion of the court, for each and every such sale. Such information shall be preserved and be for the sole use of the nursery and orchard inspector and his deputies: *Provided*, That the provisions of the preceding sections shall not apply to persons engaged in fruit growing who are not nurserymen who desire to sell or exchange surplus trees or plants of their own growing.

SEC. 6. No person, firm, or corporation resident of another State, province, or country shall engage or continue in the business of importing any trees, plants, shrubs, or vines, commonly known as nursery stock, into this State, or of selling such importations within the State, or of selling such articles within the State, for subsequent importation into it, without first having obtained from the State board

of agriculture a license to do business in this State as provided in section 5 of this act, and shall have filed with the State board of agriculture the bond therein required, together with a certificate of inspection by a State or Government inspector or that of some person designated by the Michigan State board of agriculture for such purpose.

SEC. 7. The State board of agriculture shall, upon receipt of the fee referred to in this act, together with the required bond and a satisfactory certificate of inspection, issue licenses to the applicant according to the provisions of this act.

SEC. 8. Whenever the commissioners under acts number 108 and 109, Session Laws of 1895, known as yellows commissioners, shall be uncertain as to the existence or nature of any infectious or contagious disease or dangerous insect pest in an orchard or elsewhere, or in case any dispute shall arise between owners and commissioners, it shall be the duty of said commissioners to notify the State inspector of orchards and nurseries, who shall at once investigate or inquire into the matter and suggest or recommend the proper remedies, and give all the information he can to aid in exterminating such insects or diseases, and his decision of the case and recommendation shall be final.

SEC. 9. It shall be the duty of the State inspector, whenever it shall come to his knowledge that any destructive insects or infectious or contagious diseases exist in any orchard in this State, or are supposed to exist, to investigate the case, and if such dangerous insects or diseases are found, he shall have authority to enter upon the premises and proceed according to the provisions of sections 1, 2, and 3 of this act in exterminating the same. In case the owner or occupant of the premises shall refuse or neglect to comply with the orders of said inspector within five days, the inspector shall employ such aid as may be necessary to carry out his orders and recommendations, the expense of which procedure shall be certified to the township board and by them allowed, who shall cause the same to be assessed as a special tax upon the premises concerned.

SEC. 10. The State inspector of orchards and nurseries shall have power to appoint such number of deputy inspectors as may be required, subject to approval by the State board of agriculture.

SEC. 11. All expenses incurred under the provisions of this act not otherwise provided for shall be audited by the State board of agriculture, and paid out of the general fund of the State, and the auditor-general shall draw his warrant for the same: *Provided*, That all moneys collected by the State board of agriculture under this act shall be paid into the general fund of the State treasury.

NORTH CAROLINA.

CHAPTER 264.—LAWS OF 1897.

AN ACT to prevent the introduction and dissemination of dangerous insect, fungous, and weed pests of crops.

SECTION 1. That for the purpose of this act the State commissioner of agriculture, the director of the North Carolina Agricultural Experiment Station, and the president of the North Carolina State Horticultural Society are hereby constituted a commission for the extermination of noxious insects, fungous diseases, and weeds which are affecting or may affect crops. They are empowered to elect one of their number chairman, and to adopt rules and regulations for their own government such as may be requisite for carrying out the provisions of this act. The members of the said commission shall receive no salary, and shall be allowed only such expenses as have been specifically incurred and necessary in attending the meetings of the commission.

SEC. 2. The members of the commission aforesaid shall hold a meeting within 30 days after the ratification of this act, and shall prepare and publish a list of dangerous crop pests, known to be present within the State or liable to be introduced,

and may at any subsequent meeting extend or amend such list. The commission shall also publish methods for exterminating such pests as they may deem capable of being economically exterminated within the boundaries of the State, and for repressing such as can not be economically exterminated, and for preventing the spread of such pests within the State. They may also adopt regulations, not inconsistent with the laws and constitution of this State and the United States, for preventing the introduction of dangerous crop pests from without the State, and for governing common carriers in transporting plants liable to harbor such pests to and from the State, and such regulations shall have the force of laws.

SEC. 3. No person, firm, or corporation shall, knowingly and wilfully, keep upon his or their premises any plant infested by any dangerous crop pest listed and published as such by the said commission, or permit dangerous weed pests to mature seed or otherwise multiply upon their land except under such regulations as the commission may prescribe. Every such infested plant and premises are hereby declared a public nuisance. The owner of such plants or premises shall, when notified to do so by the commission, take such measure as may be prescribed to eradicate such pests, and if such action is not taken, or is improperly executed within 10 days after being so notified, the commission shall cause said premises to be freed from such pests by the best available method, and the cost of such work shall be a lien against such premises, and may be recovered, together with cost of action, before any court in the State having competent jurisdiction. Said notice shall be written, and mailed to the usual or known address, or left at the ordinary place of business of said owner or his agent. No damage shall be awarded the owner of such premises for entering thereon and destroying or otherwise treating any infested plant or crop, when done by the order of the commission.

SEC. 4. When said commission has reason to suspect that any pest listed by them as dangerous exists in any county in the State, they shall cause such suspicion to be verified by a person competent to determine the specific identity of such pests of crops, and if such suspicion prove founded upon fact, shall further appoint, for a designated time and duty, a competent person their agent to inspect such infested premises, and to take such measures for treating the same as the commission may direct. Any duly authorized agent of the commission shall have authority to enter upon and inspect any premises between the hours of sunrise and sunset during every working day of the year. Any one who shall seek to prevent such inspection, or who shall otherwise interfere with any agent of the commission while in performance of his duties, shall, upon conviction, be fined not less than $5 nor more than $50 for each offense, or may be imprisoned for not less than 10 nor more than 30 days.

SEC. 5. For the purposes of carrying out the provisions of this act the sum of $500 per annum, or so much thereof as is necessary, is hereby appropriated out of any funds in the treasury not otherwise appropriated, and shall be paid by the State treasurer upon properly authenticated vouchers signed by the chairman of the commission.

SEC. 6. The said commission shall report to the governor for transmission to the next general assembly its acts and disbursements under the provisions of this act. Such a report, together with all such circulars as may be issued by the said commission for the purposes of this act, shall be printed in editions of 1,000 copies by the public printer and be paid for as other public printing.

SEC. 7. All laws and clauses of laws inconsistent with this act are hereby repealed.

SEC. 8. This act shall take effect from and after its ratification.

Ratified March 5, 1897.

Copy of a circular (No. 7) issued by the North Carolina commission August 31, 1897, to common carriers in that State.

To all Railroad, Express, and Steamship Companies, and Common Carriers doing business in North Carolina: You are hereby notified, by virtue of chapter 264 of the acts of the general assembly of 1897, entitled, "An act to prevent the introduction and

dissemination of dangerous insects, fungous, and weed pests of crops," which act empowers this commission to prescribe rules for governing the transportation within the State of trees, shrubs, and vines, liable to harbor and disseminate dangerous insect pests, that the annexed rules have been adopted and will be enforced on and after the 1st day of July, 1897. Inasmuch as the interests of all transportation companies doing business in North Carolina are bound up with the interests and general prosperity of the Commonwealth, and that prosperity is seriously menaced by the introduction from other States and countries of destructive scale insects and other similar pests, it is hoped and believed that all companies will themselves cheerfully observe these rules, and endeavor by all the means in their power to uphold the commission in the work devolving upon it. They will thus serve to protect fruit growing along their lines, and the future business involved. It is not the intention or desire of the commission to interfere unnecessarily with traffic in nursery stock, nor to prevent the bringing of such freight into the State. It only desires to insure the freedom of such stock from destructive parasites. The rules adopted by the commission are reasonable and not onerous. If faithfully observed, the rules will for the future prevent the dissemination of these dangerous pests in our State. The rules below will be strictly enforced as far as it lies in the power of the commission:

RULE 1. No transportation company or common carrier shall deliver to any consignee at any station point located in North Carolina any package, bale, box, or single specimen of any tree, shrub, or woody vine, nor accept such for transportation from any point in the State, unless each separate package, bale, box, or single specimem has attached a label stating the name and address of the grower, preceded by the words "Grown by." Said plants or packages of plants shall also have affixed a certificate from this commission that the nursery wherein the plants were grown had been examined and found free from San Jose scale and all other dangerous insects. The date of the certificate must not be more than six months from date of shipment of such stock. Certificates from others will not be recognized. The necessity for certifying does not extend to seeds, roots, or herbaceous plants, nor to strawberry plants.

RULE 2. If by any oversight, accident, negligence, or otherwise any invoice of uncertified trees, shrubs, or woody vines is received at any station, depot, wharf, or warehouse within this State such stock must not be delivered or removed from the place where the same was first stored, but shall within 48 hours after receipt be sent out of the State, if brought from without the State, or, if shipment originated within the State, the plants, with their containing cases and packing, shall be destroyed by fire; such shipment being held unlawful by this commission. No person other than a duly authorized agent of this commission shall be permitted to open or inspect such plants further than may be necessary to determine the absence of a label and certificate as required by law. Transportation companies will immediately report to the commission any violation of this regulation, together with the action of the company. Said report is to include the name and address of the shipper and of the consignee.

RULE 3. Any transportation company or common carrier or other person wilfully disregarding the said law and the above rules prescribed in pursuance thereof will be guilty of a nuisance and liable to action for damages, punishable with fine or imprisonment.

(Signed) ————————, *Chairman.*

Copy of a circular (No. 8) issued by the North Carolina commission August 31, 1897, to nurserymen and others.

To Nurserymen and Dealers who Ship Nursery Stock into North Carolina: Your attention is called to the inclosed copy of circular No. 7 of this commission, relating to the shipment of nursery stock into North Carolina. You will notice that there is a modification in the regulations previously adopted, in that each package, etc., shipped into the State must have the certificate of this commission attached thereto,

instead of the certificate of the official entomologist of the State in which your nursery is located. The certificate of this commission, together with 100 *facsimile* copies, will be issued without charge to each nurseryman, upon filing with this commission a certificate from the official entomologist of the State in which the nursery is located that said nursery was, within six months, personally examined by him, and the growing stock found free from San Jose scale, West Indian scale, black-knot, and other infectious pests, and apparently healthy in every respect. The certificates of this commission will bear date of April 1 or October 1, and will be good for only six months. It is not the purpose of this commission to interfere in any way with the sale of good nursery stock in the State. It is not believed that the rules and regulations of this commission will be found onerous to those who fully appreciate the necessity of protecting our horticultural interests.

(Signed) ————————, *Chairman.*

OHIO.

Laws of 1896.

An Act to prevent the spread of yellows, a contagious disease among peach, almond, apricot, and nectarine trees, and to prevent the spread of black-knot, a contagious disease among cherry, prune, and plum trees, or any other contagious disease of fruit trees, also the infection known as the San Jose scale, and to provide measures for the eradication of the same.

Section 1. That it shall be unlawful for any person to keep, or permit to be kept upon his premises or upon premises under his charge or control, as owner or lessee or otherwise, any peach, almond, apricot, or nectarine tree infected with the contagious disease known as yellows, or to keep any affected part of any cherry, plum, or prune tree infected with the contagious disease known as black-knot, which affects one or more branches or any tree infested with San Jose scale or any of the fruit from any tree infected with peach yellows, or to sell or offer for sale, or to ship or permit to be shipped to any person in any manner, any of said yellows fruit; that both trees and fruits so infected, except as aforesaid, shall be subject to destruction as public nuisances as hereinafter provided, and it shall be the duty of every person owning any fruit or having in their charge or under their control any fruit from any of the said trees so infected or any of such fruit so infected, except as aforesaid, and of every person having any of said fruit trees so infected in their charge or under their control as owner, agent, lessee, or otherwise, to immediately destroy all trees so infected and all of said fruit so infected by burning the same; and whoever owning any of said fruit trees so infected, or whoever having any of the same in charge as agent, servant, employee, or lessee, or otherwise, shall fail or neglect to destroy all of the same within 10 days after notice given to him by the township board of fruit commissioners, hereinafter mentioned, of such infected condition, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding $100; provided, however, that in case of the black-knot in any fruit tree it shall be sufficient to cut away and destroy only the limb or part of the tree affected with black-knot, and destruction or the term destroy in this act shall be construed to mean destruction by fire. It shall be sufficient to extinguish the San Jose scale with effective insecticides.

Sec. 2. It is further provided that any nurseryman, agent, dealer, or other person who shall sell or offer for sale any fruit trees for planting that are affected with any contagious disease, or infested with the pest known as the San Jose scale or other obnoxious insect pest, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than $10 nor more than $100. Whenever the disease known as peach yellows, also black-knot of the plum, cherry, and prune are found to exist, not less than five freeholders in any township in Ohio may petition the township trustees to appoint a township board of fruit commissioners, recommending in said petition three or more of the most competent and best qualified persons known in said township for the position. It shall be the duty of the trustees to speedily appoint for the

township fruit commission two of whom they consider the most capable freeholders in the township, who are growers of fruits liable to be diseased, one of whom must be familiar with the symptoms and nature of the diseases aforesaid mentioned, and shall be the foreman of said commission. If the other member of the commission be unlearned he shall diligently strive to become acquainted with the diseases they are to investigate. Where any serious difference arises between the two commissioners regarding the infected fruit or trees the foreman of the nearest outside commission shall be called by the trustees as referee, and his decision shall be conclusive. In case an expert can not be found in the township, the trustees shall employ the nearest one outside the township that they can find, whose term of service shall continue during the year. The commissioners shall hold office till the first of April following their appointment. The township fruit commission shall be kept up as long as destructive diseases prevail and there is need of its existence, and the township trustees shall annually appoint the commissioners comprising it at their regular April meeting, and the said commissioners shall take their oath of office and file their acceptance with the township clerk. To aid the trustees in their selection, five or more freeholders who are interested in fruit growing may petition them to appoint certain persons whom they shall name and recommend in said petition for the consideration of said trustees in making their appointment. The compensation for each commissioner shall be $2 and necessary expenses for each day's time engaged in the business of said office, and $1 for each half day, all of which shall be allowed by the township trustees and paid out of the funds of said township. It is further provided that in case a member of the township fruit commission proves seriously inefficient and is unfaithful in the discharge of his official duties, on petition of five freeholders the trustees of said township shall investigate the complaints and charges made against said commissioner, and if they find good and sufficient cause, shall remove him and appoint another person to fill his place.

SEC. 3. The township clerk shall be clerk *ex officio* of the township board of fruit commissioners, and he shall keep a correct and complete record of all their proceedings in a book to be provided him by the township trustees for that purpose, and he shall file and preserve all papers belonging to said board of commissioners, or either of them, and pertaining to their duties, all of which shall be a part of the public records of said township, and he shall receive such reasonable compensation for such services as the township trustees may allow. It shall be the duty of the Ohio Experiment Station to publish a bulletin that shall plainly give full and complete information regarding the causes, symptoms, devastating effects, and cure or treatment of peach yellow, black-knot, San Jose scale, or other serious contagious disease of fruits in sufficient quantity to supply every grower of fruit liable to these diseases in the State. It shall be the duty of the annual township assessor to record the name and address of every person who owns or has charge of any peach, plum, cherry, prune, apricot, or almond tree or trees, giving the name and number of each kind, and after the canvass of the township to file said report with the township clerk, who, with the aid of the foreman of the township fruit commission, shall inform the State Experiment Station of the number of bulletins needed in that township, and on receipt of the same the clerk shall mail or deliver one copy to each person who owns or has charge of any and all trees that are liable to serious damage from the contagious threatening diseases treated upon in said bulletin.

SEC. 4. It shall be the duty of said board of fruit commissioners upon or without complaint to carefully seek out, keep down, and stamp out the contagious fruit diseases aforesaid mentioned, also the San Jose scale or other noxious insect pest in every part of the township, during all seasons when the symptoms are plainly to be seen by either of them, to proceed together as much as possible without delay and examine the trees and fruit supposed to be infected, and if any of said diseases are found to exist by said fruit commission they shall place upon the diseased tree a distinguishing mark, and shall place upon the fruit a placard, and indorse thereon the diseased condition of such fruit, and they shall forthwith cause notice in writing to be

served upon the owner of the same, if he be a resident within the county, and if the owner be not a resident of such county, then the written notice may be served upon the person having the same in charge for the owner or agent, employee, lessee, or otherwise; such notice may be served personally or by copy left at the usual residence of any such person, and if no such person resides within such county upon whom service can be made, then such notice may be served by mail by being deposited in a post-office, postage prepaid, and addressed to the post-office address of such person wherever he may reside. Such notice shall contain a simple statement of the facts as found to exist, with an order of said board of fruit commissioners to remove and destroy by burning the trees so marked and designated, the whole tree, roots and branches, where infected with yellows, and the branches infected with black-knot, and the fruit so marked by placard, within 10 days from date of service of said notice, Sundays excepted, and if any person whose duty it is hereby made to destroy the same fails, neglects, or refuses to destroy the same as mentioned in such order of said commissioners, for a period of 10 days after the service thereof, then the said commissioners be and are hereby authorized to enter upon the premises of any person and destroy all such fruit and trees so mentioned and found to be so diseased which they have marked or placarded, and said commissioners are hereby authorized to employ all help and secure all necessary means to so destroy the same, all of which shall be allowed by the township trustees and paid out of the township treasury. And in cases where said commissioners shall execute their own orders upon default of the person whose duty it is to execute the same, the costs shall be paid by the owner of the condemned fruit or trees, and in case of his failure to pay the same and all dues, after demand made by the trustees of such township, the said trustees shall certify the same, together with a penalty of 20 per cent, to the auditor of the county to be placed upon the tax duplicate, and the same shall become a lien upon the premises of such person from the time of filing the same with the auditor, and collected by the county treasurer as other taxes. Any person who may be dissatisfied with the action of the township fruit commission in condemning his or her fruit trees or diseased fruit, on the ground that said trees or fruit are not diseased, but sound and healthy, may appeal in writing, stating their grievance in full to the township trustees, who shall immediately refer the case, through the township clerk, to the professor at the Ohio Experiment Station, who is an expert in the line of the complaint, whose duty it shall be to forthwith proceed to view the fruit or trees in controversy, and whose decision shall be final. All costs and expenses in the case shall be paid by the complainant, if defeated, and if not, by the trustees of the township in which the complaint is made.

SEC. 5. An act entitled "An act to prevent the spread of yellows, a contagious disease among peach, almond, apricot, and nectarine trees, and to prevent the spread of black knot, a contagious disease among cherry, prune, and plum trees, and to provide means for the eradication of the same, and to repeal an act entitled 'An act to amend section 1 of an act to eradicate the disease known as black knot on plum and cherry trees,'" passed April 4, 1894, is hereby repealed.

Passed April 18, 1896.

OREGON.

LAWS OF 1895.

AN ACT to amend an act entitled "An act to create a State board of horticulture and appropriate money therefor," approved February 25, 1889, and an act amendatory thereof, entitled "An act to amend an act entitled 'An act to create a State board of horticulture and appropriate money therefor,' approved February 25, 1889," approved February 21, 1891, and to protect the horticultural industry in Oregon.

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SEC. 10. It shall be the duty of the several members of the board, and of the secretary, under their direction, whenever they shall deem it necessary, to cause an

inspection to be made of any orchards, nurseries, trees, plants, vegetables, vines, or any fruit packing house, storeroom, sales room, or any other place within their districts, and if found infested with any pests, diseases, or fungous growths injurious to fruits, plants, vegetables, trees, or vines, or, with their eggs or larvæ, liable to spread to other places or localities, or such nature as to be a public danger, they shall notify the owner or owners, or persons in charge of or in possession of such articles, things, or places, that the same are so infested, and shall require said persons to eradicate or destroy said insects or pests, or their eggs or larvæ, or to treat such contagious diseases within a certain time, to be specified in said notice. Said notices may be served upon the person or persons, or any of them, owning, having charge, or having possession of such infested place, article, or thing, by any member of the board, or by the secretary thereof, or by any person deputed by the said board, or any member or the secretary thereof, or by any person deputed by said board for that purpose, or they may be served in the same manner as a summons in an action at law. Such notice shall contain directions for the application of some treatment approved by the commissioners for the eradication or destruction of said pests, or the eggs or larvæ thereof, or the treatment of contagious diseases or fungous growths. Any and all such places, orchards, nurseries, trees, plants, shrubs, vegetables, vines, fruit, or articles thus infested are hereby declared to be a public nuisance; and whenever any such nuisance shall exist at any place in the State on the property of any owner or owners upon whom or upon the person in charge or possession of whose property notice has been served as aforesaid, and who shall have failed or refused to abate the same within the time specified in such notice, or on the property of any nonresident, or any property not in the possession of any person and the owner or owners of which can not be found by the resident member of the board or the secretary, after diligent search within the district, it shall be the duty of the board, or the members thereof in whose district said nuisance shall exist, or the secretary under his or their direction, to cause such nuisance to be at once abated, by eradicating or destroying said insects or pests, or their eggs, or larvæ, or by treating or disinfecting the infested or diseased articles. The expense thereof shall be a county charge, and the county court shall allow and pay the same out of the general fund of the county. Any and all sums so paid shall be and become a lien on the property and premises from which said nuisance shall have been removed or abated, in pursuance of this act, and may be recovered by a suit in equity against such property or premises; which suit to foreclose such liens shall be brought in the circuit court of the county where the premises are situated, by the district attorney, in the name and for the benefit of the county making such payments. The proceedings in such cases shall be governed by the same rules, as far as may be applicable, as suits to foreclose mechanics' liens, and the property shall be sold under the order of the court and the proceeds applied in like manner. The board is hereby invested with the power to cause such nuisances to be abated in a summary manner.

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Approved February 23, 1895.

PENNSYLVANIA.

Laws of 1897.

An Act to prevent the spread of the contagious diseases known as yellows, black knot, peach rosette, and pear blight among peach, plum, cherry, prune, almond, apricot, nectarine, and pear trees, or the fruit thereof, and providing measures for the eradication of the same, and applying the provisions of this act to "San Jose scale," when found on any vine, plant, shrub, or fruit tree.

Section 1. That it shall be unlawful for any person to keep any peach, almond, apricot, plum, cherry, nectarine, or pear tree infected with the contagious diseases known as yellows, black knot, peach rosette, or pear blight, or to offer for sale or

shipment, or to sell or to ship any of the fruit thereof, except the fruit of the plum, cherry, and pear tree; that both tree and fruit so infected shall be subject to destruction as public nuisances as hereinafter provided. No damages shall be awarded in any court in the State for entering upon the premises and destroying such diseased trees, or parts of trees, or fruit, if done in accordance with the provisions of this act. It shall be the duty of every person, as soon as he becomes aware of the existence of such disease in any tree, parts of trees, or fruit owned by him, to forthwith destroy or cause said trees or fruit to be destroyed.

SEC. 2. In any township, borough, or city of this State in which such contagious diseases exist, or in which there is good reason to believe they exist, or danger may be justly apprehended of their introduction, it shall be the duty of the township supervisors or board of road control, or borough or city council, as soon as such information becomes known to either such board or councils, or any member thereof, to appoint, forthwith, three competent freeholders of said township, borough, or city as commissioners, who shall hold office during the pleasure of said board, borough, or city council, and such order of appointment and of revocation shall be entered at large upon the township, borough, or city records; provided, that the commissioners now appointed and in office shall continue in said office until their successors are appointed and qualified; provided, that in case commissioners have already been appointed to prevent the spreading of bush, vine, and fruit-tree pests, such commissioners shall be *ex officio* commissioners under this act.

SEC. 3. It shall be the duty of said commissioners, within 10 days after the appointment as aforesaid, to file their acceptances of the same with the clerk of said township, borough, or city, and said clerk shall be *ex officio* clerk of said board of commissioners, and he shall keep a correct record of the proceedings of said board in a book to be provided for the purpose, and shall file and preserve all papers pertaining to the duties and actions of said commissioners or either of them, which shall be a part of the records of said borough, township, or city, providing that if there is no township clerk, then it shall be the duty of the township auditors to select one of their number as such clerk.

SEC. 4. It shall be the duty of the commissioners, or any one of them, upon or without complaint, whenever it comes to their notice that either of the diseases known as yellows, black knot, peach rosette, or pear blight exist or are supposed to exist within the limits of their township, borough, or city, to proceed without delay to examine the tree or fruit supposed to be infected, and if the disease is found to exist, a distinguishing mark shall be placed upon the diseased trees and the owner notified personally or by a written notice left at his usual place of residence; or if the owner be a nonresident, by leaving the notice with the person in charge of the trees or fruit or the person in whose possession said trees or fruit may be. The notice shall contain a simple statement of the facts as found to exist, with an order to effectually uproot and destroy by fire, or as the commissioner shall order, the trees so marked or designated or such parts thereof, within five days, Sundays excepted, from the date of the service of the notice; and in case of fruit infected such notice shall require the person in whose possession or control it is found to immediately destroy the same or cause it to be done or the commissioner may destroy the same; said notice and order to be signed by one or more of the commissioners.

SEC. 5. In case any person who is interested in any tree or trees so ordered to be destroyed shall feel aggrieved by such order, and shall believe that such trees are not so diseased, he may serve a written notice upon all the commissioners in the township in which such trees are situated, which notice shall specify the part of such order to which objection is made, and the particular tree or trees included in such order which it is claimed are not so diseased, and shall request an examination of such tree or trees by all of said commissioners, which notice shall be served personally upon each of said commissioners within the five days given for the destruction of said trees, and it shall thereupon be the duty of all said commissioners who have not already done so to personally examine such tree or trees as soon as practicable, and within the said five days, and if a majority of all commissioners shall

agree that such tree or trees are so diseased they shall order the same to be destroyed forthwith by the owner or custodian thereof; but if a majority shall decide that such tree or trees, or any of them, are not so diseased, they shall revoke the order of the commissioner to destroy the same as far as it relates to the trees so found to be free from disease, but this section shall not apply to fruit ordered to be destroyed.

SEC. 6. Whenever any person shall refuse or neglect to comply with the order to remove and destroy the trees or parts of trees so designated and marked by the commissioner, as aforesaid, it shall become the duty of the commissioner to cause said trees, or parts of trees, to be removed and destroyed forthwith, employing all necessary aid for that purpose. The expenses for such removal and destruction of trees, or parts of trees, to be a charge against the township, borough or city; and for the purpose of such removal or destruction the said commissioners, their agents and workmen, shall have the right and power to enter upon any and all premises within their township, borough or city.

SEC. 7. If any owner neglects to uproot and destroy or cause to be removed and destroyed as aforesaid such diseased trees or parts of trees or fruit after such examination and notification and within the time hereinbefore specified, or any other person who shall sell or offer for sale such diseased fruit, such person shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding $100, in the discretion of the court; and any justice of the peace of the township or borough or any alderman of any city where such trees may be or where such nursery stock or fruit is sold, shipped, disposed of, or delivered as aforesaid shall have jurisdiction thereof. The words "part of trees" wherever used in this act shall refer to black-knot and pear-blight only, and not to trees affected with yellows.

SEC. 8. The commissioners shall be allowed for services under this act $2 for each full day and $1 for each half day and their other charges and disbursements under this act by the township board, borough, or city council, all of which costs, charges, expenses, and disbursements may be recovered by the township, borough, or city from the owner of such diseased fruit or nursery stock, or from the owner of the premises on which said diseased trees stood in action of assumpsit; provided said owner has refused or neglected to remove said diseased fruit or nursery stock in compliance with the order of said commissioner or commissioners, and provided that the provisions of this act shall apply to the San Jose scale when found on any vine, plant, shrub, or fruit tree.

SEC. 9. All acts inconsistent with this act are hereby repealed. This act is ordered to take immediate effect.

Approved June 18, 1897.

UTAH.

CHAPTER 33.—LAWS OF 1894.

AN ACT authorizing county courts to appoint fruit-tree inspectors and to provide for the destruction of fruit-destroying insects.

SECTION 1. It shall be the duty of the county court of any county in the Territory of Utah where fruit is grown to appoint one or more fruit-tree inspectors for such county.

SEC. 2. The duties of the fruit-tree inspectors of each county shall be to inspect every orchard, vineyard, or nursery in such county at such time and under such regulations as the county court shall prescribe. He shall annually report to the county court every item of interest and the result of his labors pertaining to the duties of his office.

SEC. 3. It shall be the duty of the probate judge of any county wherein fruit trees are growing to annually issue his proclamation, stating the time or times when it is prudent and proper to spray fruit trees and to otherwise disinfect orchards that are infested with any kind of fruit-destroying insects, in which he shall name two or more formulas that have been used and approved for such purposes.

SEC. 4. The inspector shall leave a printed notice with or mail to every owner, occupant, or person in charge of any orchard, vineyard, or nursery, produce dealer, storage or commission merchant, or any person handling fruit, on whose premises he shall find any kind of fruit-destroying insects, their larvæ or their pupæ, commanding them to disinfect their trees, vines, storerooms, and premises in conformity with the proclamation of the probate judge. Such notice must be signed by the inspector, who shall note in the stub of said notice the name of the person so notified and the date on which such notice was served or duly mailed to him.

SEC. 5. The county court is hereby authorized and required to provide for the publication of the proclamation required by section 3, and to formulate such rules and regulations as it may deem proper, to govern the actions of the fruit-tree inspector in his duties, and to give such public notice as it may deem proper in relation to the disinfecting of storerooms, warehouses, and sales rooms where fruits in either a green or dried state may be stored, handled, or offered for sale.

SEC. 6. Any owner, occupant, or person in charge of land on which fruit trees are growing who has been notified as provided for in section 4 of this act to disinfect his trees or vines, who shall fail or neglect, without sufficient cause, to comply with said notice, shall, after conviction in a court having jurisdiction, be deemed guilty of a misdemeanor.

SEC. 7. When the owner, occupant, or person in charge of any premises shall have been convicted on account of neglect or failure to carry out the provisions of section 6 of this act, and he still refuses to comply therewith, all infested trees or vines on his premises may be disinfected at the expense of the owner or occupant of said premises.

SEC. 8. Any person who fails to disinfect his storeroom, warehouse, or sales room as directed by the fruit-tree inspector shall be deemed guilty of a misdemeanor.

SEC. 9. All persons importing or exporting trees in any county must get the inspector's certificate that such trees are free from fruit-destroying insects, their larvæ or their pupæ, and a failure or neglect so to do shall subject them to the penalties provided for in section 8 of this act.

SEC. 10. The compensation of the fruit-tree inspector shall be fixed by the county court and paid out of the county treasury; and all fines collected under the provisions of this act shall be paid into the county treasury.

SEC. 11. This act shall take effect from and after its approval.

Approved March 7, 1894.

VIRGINIA.

AN ACT To amend and reenact an act entitled an act to eradicate the San Jose or pernicious scale, a disease affecting fruit trees, and to prevent its spread, approved March 5, 1896.

[Approved February 28, 1898.]

Whereas the fruit industry in Virginia is threatened with serious and irreparable damage by an insect known as the San Jose or pernicious scale, now present in some parts of the State: Therefore,

Be it enacted by the general assembly of Virginia:

1. That an act entitled "An act to eradicate the San Jose or pernicious scale, a disease affecting fruit trees, and to prevent its spread, approved March fifth, eighteen hundred and ninety-six," be amended and reenacted so as to read as follows:

Be it enacted by the general assembly of Virginia:

SECTION 1. That the board of control of the State agricultural experiment station be, and is, hereby empowered and directed to take immediate action to suppress and eradicate this insect.

SEC. 2. The said board is hereby authorized and required to designate a member of the scientific staff of the agricultural experiment station to act as inspector

under the provisions of this act; and it shall be the duty of said board to promulgate rules and regulations in accordance with this act for the government of said inspector in the duties devolving upon him in the execution of the provisions of this act; and the said board may further appoint assistants as may be necessary for the purpose of aiding the inspector in the enforcement of this act.

SEC. 3. The inspector shall have power under the regulations of said board to determine whether any infested plants are worthy of remedial treatment or shall be destroyed; and he shall report his findings in writing, giving reasons therefor, to the owner of the infested plants, his agent, or tenants, and a copy of such report shall also be submitted to said board. In case of objection to the findings of the inspector an appeal shall be to the said board, whose decision shall be final. An appeal must be taken within three days, and shall act as a stay of proceedings until it is heard and decided.

SEC. 4. Upon the findings of the inspector in any case of infested plants the treatment prescribed by him shall be executed at once (unless an appeal be taken) under his supervision, cost of material and labor to be borne by the owner, except when the county supervisors or town or city corporations shall have provided for the expense of the same, as authorized in section eight of this act.

SEC. 5. In case any person or persons fail or refuse to execute the directions of the inspector or of the said board after an appeal, the county judge shall, upon complaint filed by the inspector or any freeholder, cite the person or persons to appear before him at the first regular session of the county court, and upon satisfactory evidence of such failure or refusal shall cause the prescribed treatment or destruction to be executed, and the expense thereof and costs of court shall be collected by execution from the owner or owners of the infested plants.

SEC. 6. It shall be unlawful to offer for sale, sell, give away, or transport within the bounds of this State plants, scions, trees, shrubs, or vines infested with the San Jose scale. Any person or persons violating this section shall, upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars. This section shall not be construed as affecting the action of common carriers in the transportation in the article above mentioned in interstate commerce.

SEC. 7. The said board of control of the agricultural experiment station, its agents, or employees are hereby empowered with authority to enter upon any premises and examine all plants whatsoever in discharge of the duties herein prescribed. Any person or persons who shall obstruct or hinder them or their agents in the discharge of their duties shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than fifty dollars.

SEC. 8. The board of supervisors of any county and the town council or city council of any incorporated town or city of this State are hereby authorized, upon the petition of ten freeholders, to appropriate from the county, town, or city treasury such funds as may be necessary for use in the said county, town, or city for the treatment and eradication of the above-cited insect pest: *Provided*, That it shall be distinctly stated in any such appropriation the specific objects for which the same is to be expended, and that such treatment shall be done in accordance with the directions and under the authority of the inspector hereinbefore provided for.

SEC. 9. There is hereby appropriated, from any moneys in the State treasury not otherwise appropriated, the sum of one thousand dollars per annum for the purpose of defraying the expenses of the execution of this act, and the auditor of the Commonwealth is hereby directed to draw his warrant upon the treasurer of the same for this sum or such parts thereof as may be necessary until the said sum of one thousand dollars per annum be expended, upon the filing with him of properly itemized vouchers certified by the chairman of said board. The said board shall make a biennial report to the governor of the State, giving in detail its operations and expenditures under this act.

2. This act shall be in force from its passage.

WASHINGTON.

CHAPTER CIX.—SESSION LAWS, 1897.

AN ACT to promote and protect the fruit-growing and horticultural interests of the State of Washington, to provide for the appointment of a commissioner of horticulture, to repeal certain laws in conflict therewith.

Be it enacted by the legislature of the State of Washington:

SECTION 1. A commissioner of horticulture shall be appointed by the governor. It is hereby provided, prior to appointment, the applicant must furnish a certificate from the faculty of the college of agriculture that he is a skilled horticulturist; on

such certificate the governor may make the appointment. Before entering upon the discharge of his duties said commissioner shall take and subscribe an oath to support the Constitution of the United States and the constitution and laws of the State of Washington and to faithfully discharge the duties of his office, which said oath, together with the aforesaid certificates, shall be filed with the secretary of state. Said commissioner shall keep his office at Tacoma, which shall be open to the public during normal office hours every day excepting Sunday and legal holidays and days when he may be necessarily absent attending to official duties in other parts of his district.

SEC. 2. The object for which said commissioner is appointed is to maintain and exercise a supervisory directory over the horticultural industries of the State, to enforce the laws relative to the importation, transfer, and sale of fruit, fruit trees, plants, or nursery stock within the State, and to give such instruction to fruit culturists regarding cultivation and the extermination of fruit pests as the nature of the case may demand. The official term of the commissioner of horticulture shall begin on the first day of April, 1897, and continue for four years, and until his successor is appointed and qualified. Said commissioner shall receive annually, in full consideration of his official services, the sum of $1,000, and for incidental expenses of his office, such as necessary traveling fare, stationery, and postage, the sum of $500, or so much thereof as shall be actually expended. Each of said sums shall be due and payable in monthly installments in warrants drawn by the State auditor on the State treasurer.

SEC. 3. Said commissioners may be removed from office at any time for cause, such as inefficiency, neglect of duty, or immoral conduct; but no removal from the office of commissioner of horticulture shall be made for political reasons. Vacancies occurring in the office of commissioner during a term shall be filled by the governor making an appointment for the unexpired term, under rules and regulations as prescribed in section 1 of this act for full-term appointments.

SEC. 4. Fruit culturists in any county in this State are hereby authorized and empowered to organize into a county horticultural society, and the better to promote and protect the horticultural interests of the county, the society will nominate a qualified person for county inspector of fruits, trees, and plants, and of insect pests destructive to the fruit interests of the county. The nomination shall be made to the board of commissioners (of the county wherein said society is organized), who are hereby authorized to appoint such person as county fruit inspector, deliver to him a certificate of his appointment, and mail a duplicate copy of such certificate to the said State commissioner of horticulture. Said county inspectors shall be entitled to a per diem of $2 for each day's actual service, to be paid by the county in which said inspector is appointed.

SEC. 5. No person, firm, or corporation shall engage or continue in the business of selling within the State, or importing fruit trees, plants, or nursery stock into this State without first having obtained a license to carry on such business in this State, as in this act provided: *Provided*, That this section shall not apply to any person or persons who may from time to time sell or give away any fruit trees, plants, or nursery stock the growth of which shall be the result of his or their own industry, and where such sales are made without canvassing, soliciting, advertising, or the employment of agents.

SEC. 6. Any person, firm, or corporation may obtain a license to engage or continue in the business of selling and importing fruit trees, plants, or nursery stock into this State by submitting his application therefor to the commissioner of horticulture, together with a satisfactory bond in the sum of $1,000, to be approved by the said commissioner, conditioned that the principal and his or their agents will faithfully obey the provisions of this act and the laws of the State of Washington, and that the said principal will pay the cost of inspection and destruction of all infested nursery stock or other material or goods imported into or sold within such districts of this State by the said principal or his or their agent. Licenses under this act shall be for two years or less, at the discretion of the commissioner.

SEC. 7. It shall be the duty of every person, firm, or corporation licensed to do business under this act to notify the commissioner of horticulture of his intention to ship an invoice of fruit trees, plants, or any nursery stock from one point to another within the State, or to import an invoice of similar goods from without to any point within the State, whether for the purpose of sale or for personal use. Such notice shall contain the name and address of both the consignor and consignee, and a descriptive invoice of the goods to be shipped, the freight or express office at which the goods are to be delivered, and the name or title of the transportation company from whom the consignee is to receive such goods. Such notice shall be mailed at least twenty-four hours before the day of such shipment.

SEC. 8. Any person, firm, or corporation who shall sell within this State, or import into this State, any fruit trees, plants, or nursery stock in violation of the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined for each offence in any sum not less than twenty-five nor more than one hundred dollars.

SEC. 9. Any person who shall offer for sale, or solicit persons within this State to purchase from him, any fruit trees, plants, or nursery stock belonging to any person or firm not licensed under the provisions of this act, shall be deemed guilty of a misdemeanor and fined in any sum not exceeding one hundred dollars ($100). All fines imposed for violation of the provisions of this act shall be paid to the treasurer of the county wherein the violation was committed and placed to the credit of the general fund of such county.

SEC. 10. For the purpose of preventing the introduction and spread of contagious diseases, fruit pests, spores, and fungus growth among fruit trees and plants and other nursery stock, and for the disinfection and cure of fruit-tree diseases, and the extirpation of fruit pests, spores, and fungus growth, the commissioner of horticulture shall prescribe such remedies as he shall deem best; describe and formulate such remedies, with their proper mode of application, with such additional instructions as he may deem necessary, into a circular or bulletin, which he shall have printed and distributed to the several county horticultural societies and inspectors in his district; he shall include also in said bulletin the rules and regulations under which a person, firm, or corporation may lawfully sell, import into this State and sell or authorize to be sold, fruit trees, plants, or nursery stock, and the penalties to be incurred for a violation of these rules; he shall prepare also a poster which shall contain said rules, regulations, and penalties, which shall be distributed with the said bulletins. County inspectors are directed to put up said posters in not less than three conspicuous places in their county, one of which places must be in front of the county court house. The commissioner of horticulture shall hear and promptly decide all appeals from the county inspectors, and his decisions shall have full force and effect until set aside by the courts of the State. In all cases of appeal he shall disregard technicalities; decide each and every case on its merits. All appeals from county inspectors to the commissioner shall be under forms and regulations as prescribed by the commissioner. He shall approve or reject all bonds required by law to be submitted to him, and he shall file and safely keep all bonds and other papers by law required to be filed with him. He shall examine all fruits, specimens of fruit trees, shrubbery, or plants submitted to him for examination; enter the result of his examination in a register to be kept by him for that purpose, and send a copy of such result to the person asking for the examination. He shall, from time to time, as he may deem for the best interests of the horticultural industry of the State, publish bulletins which shall be sent free to the various county horticultural societies in the State; such bulletins to contain a brief *résumé* of the discoveries of science of interest to horticulture, or any other matter which the commissioners shall deem of importance to such interests. And unless there be urgent or special need therefor, no bulletins shall contain any matter that has appeared in any previous bulletin.

SEC. 11. County fruit inspectors who shall be appointed under and by authority of this act are hereby authorized and empowered to enforce the provisions of this

act to prevent the introduction and spread of fruit tree and plant diseases, insect pests, fungi, spores, eggs, or larvae of insects injurious to the fruit interests of his county or of this State.

SEC. 12. It is hereby made the duty of the county fruit inspector, if from his personal observation, complaint, or other credible information, he has reason to suspect that any person, company, or corporation has an orchard, trees or nursery of trees, vines, or garden, fruit packing house, storeroom, or that any other place or material in his county is infected with, or is a repository for eggs, larvae of any noxious insects injurious to fruits and plants, or that any trees, fruits, or plants are in transit to his county from outside of this State, or about to be disseminated within his county, which are known or are suspected to be from localities that are infested with any disease or pests injurious, or that may become injurious, to the fruit interests of his county or State. He shall without delay inspect the premises, property, or materials so suspected, and if the same is found to be infected as aforesaid, he shall notify, in writing (prescribing the manner of disinfection), the owner, his agent, or the person in charge of the same, to treat and disinfect the said premises or property within five days. If any person so notified shall neglect or fail to disinfect such said premises or property in the manner and in the time prescribed in said notice, the person notified and failing to disinfect the infected property or premises shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars ($5) nor more than fifty dollars ($50) and costs of action in court, which fine and costs shall be a judgment lien upon said premises or property. After the expiration of said ten* days and the failure on the part of the owner or person in charge to disinfect the said premises or property as aforesaid, then, to prevent the spread of insect pests or disease, it will be the duty of the county inspector to enter on such premises or property and disinfect the same. The cost of such disinfection shall be a lien against said premises or property, the payment of which shall be collectible, with costs, in any court of the State.

SEC. 13. Any person or persons which shall bring into the State, sell, offer for sale, distribute, or give away fruit trees, plants, shrubs, fruit, or other material infested with any kind of insect pests injurious to fruit, fruit trees, or plants shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200), or by imprisonment in the county jail not less than sixty days nor more than one year: *Provided*, That for each repeated offense the person or persons convicted, as aforesaid, may be punished by a fine of one hundred to two hundred dollars ($100 to $200), or by imprisonment not to exceed two years. Any person or persons who shall sell, offer for sale, distribute, or give away any tree or trees, root or roots, grafts, cuttings or scions, infested with insect pests, spores, or fungus growth, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine [of] not less than five dollars ($5) nor more than twenty-five dollars ($25), or by imprisonment in the county jail not less than ten days nor more than thirty days. A repetition of the offense shall subject the offender to increased penalty, not over the maximum above stated. Any nursery trees, shrubs, or plants which have been shipped from and to any place within the State for distribution or for planting, and which are infested with any injurious insects, larvae, or fungus growth, shall be disinfected under the direction of the inspector of the county whereto such trees and plants are taken, and the cost of such disinfection shall be charged to the owner of said articles, and shall be a lien on said trees, shrubs, or plants until paid; and the person in possession of such articles being held subject to lien shall have a legitimate claim against the party from whom he received the articles for reimbursement of cost, including cost of collection, and may be enforced in any of the courts of the State. It is provided that if the cost of said disinfection is more than five dollars ($5) the expenses shall not exceed the rate of five cents per tree, and said lien to be foreclosed upon like notice and manner as in the case of sales of personal property on execution.

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* This law is copied verbatim from the third biennial report of the State board of horticulture and this apparently discrepant number occurs in the original.

SEC. 14. The county fruit inspector shall, in the performance of his duty as such inspector, have on any day (except Sundays) free access to orchards, nurseries, gardens, hop fields, packing houses, fruit stands, and storerooms where fruit may be kept, fruit boxes, full or empty, or any other materials or place suspected of being infested with insect pests or diseases injurious to the fruit interests of the State. If he finds any nursery, orchard, garden, or other place or material infected with insects or fungus growth, larvæ, or spores injurious to the fruit interests, he shall forthwith notify in writing the owners, occupants, or persons in possession thereof that the same is infected, and direct the manner in which the same shall be disinfected. If the owner, occupant, or person in possession of said orchard, garden, storeroom, fruit stand, or other place or infested material shall not within ten days disinfect the same in the manner by the county inspector required, or shall not have appealed from the decision of the county inspector to the commissioner of horticulture, if the premises infected be an orchard or nursery of fruit trees, a garden, fruit stand, or storeroom, and the person or persons in charge thereof having neglected or refused to disinfect the said premises within the time specified in said notice, nor have appealed as aforesaid, then the county inspector shall enter on and disinfect any of the said premises so neglected, and the costs thereof shall be a legitimate charge and lien, with interest until paid, upon the real property of the owner of such premises so disinfected; such lien shall be collectible, with costs of suit, in any of the courts of the State, as other lawful claims are collectible. If the infected property be transportable materials, the county inspector shall notify in writing the person in charge thereof to disinfect the same within twenty-four hours, and prescribe the manner of disinfection. If the person in charge of said infected materials neglect or refuse to disinfect the same as notified, or failed to appeal, then the inspector shall destroy such infected materials as fruits, fruit boxes, baskets, wrappings, and portable fruit stands by burning the same. If an appeal be taken, the inspector shall (after the twenty-four hours' notice) take immediate possession of such movable property and safely keep the same until the appeal is decided; if the decision of the commissioner be in favor of the appellant, the property shall be returned to him; on an adverse decision, the property will be destroyed by the inspector. All appeals from the action or demands of the county inspector shall be taken to the said commissioner of horticulture.

SEC. 15. A certain act approved March 7, 1891, entitled "An act to create a State board of horticulture and appropriate money therefor," and an act amendatory thereto approved March 11, 1895, and all other laws or parts of laws inconsistent or in conflict with the provisions of this act, are hereby repealed.

Passed the House March 5, 1897.

Passed the Senate March 11, 1897.

Approved by the governor March 17, 1897.

PROPOSED NATIONAL LEGISLATION.

The bill which immediately follows is one which was drafted by a national convention held in Washington March 5–6, 1897, for the suppression of insect pests and plant diseases by legislation. The convention was composed of delegates from State horticultural and agricultural societies, of prominent nurserymen, and of economic entomologists.

Following this bill there are printed two sections which at the annual convention of the National Association of Nurserymen, held in St. Louis, in June, 1897, were adopted as substitutes for sections 1 and 2 of the Washington bill.

Following this is printed the modified bill introduced into the House of Representatives by Hon. C. A. Barlow, of California, and which was submitted February 16, 1898, with a favorable report by the Committee on Agriculture.

BILL DRAFTED BY THE WASHINGTON CONVENTION.

BILL RELATING TO INTERSTATE AND INTERNATIONAL LEGISLATION AGAINST INSECT AND FUNGOUS PESTS.

AN ACT to provide for the inspection and treatment of trees, plants, buds, cuttings, grafts, scions, nursery stock, and fruit imported into the United States, and for the inspection and treatment of trees, plants, buds, cuttings, grafts, scions, and nursery stock grown within the United States which becomes a subject of interstate commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

SECTION 1. That the Secretary of Agriculture be, and is hereby, authorized, at the expense of the owner or owners, to place and retain in quarantine all trees, plants, buds, cuttings, grafts, scions, nursery stock, and fruit imported into the United States at such ports as he may designate for such purposes and under such conditions as he may, by regulation, prescribe, and that he may appoint inspectors for the purpose of examining such trees, plants, buds, cuttings, grafts, scions, nursery stock, and fruit for the purpose of ascertaining whether they are affected by any dangerously injurious insect or disease, the importation of which will be prejudicial to the horticultural interests of the United States, and provide for the treatment of such when found necessary.

SEC. 2. That when such trees, plants, buds, cuttings, grafts, scions, nursery stock, and fruit shall be determined to be infested with any dangerously injurious insect or disease they shall be treated at the expense of the owner or owners in accordance with the regulations of the Secretary of Agriculture, or they shall be destroyed in case their condition is such as to warrant such destruction; but an appeal may be taken from the decision of the inspector to the Secretary of Agriculture if such appeal be taken within three days after such inspection, and the decision of the Secretary of Agriculture shall be final.

SEC. 3. That when such inspection shall show that such trees, plants, buds, cuttings, grafts, scions, nursery stock, or fruit are apparently free from dangerously injurious insects or diseases, a certificate to this effect, made in accordance with the regulations of the Secretary of Agriculture, shall be issued to the owner or owners thereof by the said inspector, and this certificate shall operate to release all the objects above specified, when duly stamped or labeled with the same, from further quarantine or restriction either at the said port of entry or in interstate commerce. Any person who shall forge, counterfeit, or knowingly alter, deface, or destroy any of the marks, stamps, or certificates provided for in the regulations of the Secretary of Agriculture on any such trees, plants, buds, cuttings, grafts, scions, nursery stock, or fruit, or who shall forge, counterfeit, or knowingly and wrongfully alter, deface, or destroy any certificate as provided for in said regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not to exceed five hundred dollars or imprisonment not to exceed one year, or both, at the discretion of the court.

SEC. 4. That whenever it shall appear to the Secretary of Agriculture that any foreign country shall have provided proper and competent inspection and treatment, in accordance with the provisions of this act, for the objects above specified as being subject to inspection and treatment, he may, by proclamation or otherwise, accept such inspection and treatment in lieu of inspection performed by officers appointed by himself, which acceptation or proclamation by the Secretary of Agricucture, shall relieve all such articles specified in the foregoing sections of this act, when properly stamped or labeled, from further quarantine or restrictions.

SEC. 5. That the Secretary of Agriculture shall cause to be inspected and properly treated, at the expense of the owner or owners, prior to their shipment, all trees, plants, buds, cuttings, grafts, scions, and nursery stock which are subjects of interstate commerce and which are about to be transported from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia.

SEC. 6. That the said examination shall be made in the manner provided for by the rules and regulations prescribed by the Secretary of Agriculture, and that after such examination the trees, plants, buds, cuttings, grafts, scions, or nursery stock found to be apparently free from dangerously injurious insects or diseases shall be marked, stamped, or labeled for identification, as may be provided for by said rules and regulations of the Secretary of Agriculture, and when so stamped or labeled they shall not be subject to further quarantine or restriction in interstate commerce. Any person who shall forge, counterfeit, or knowingly alter, deface, or destroy any of the marks, stamps, or said devices provided for in the regulations of the Secretary of Agriculture on any such trees, plants, buds, cuttings, grafts, scions, and nursery stock, or who shall forge, counterfeit, or knowingly or wrongfully alter, deface, or destroy any certificate provided for in said regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars or imprisonment not exceeding one year, or by both such punishments, at the discretion of the court.

SEC. 7. That it shall be unlawful for any person, persons, or corporation to transport from one State or Territory or the District of Columbia, or for any person, persons, or corporation, to deliver to any other person, persons, or corporation, or to the postal service of the United States, except for scientific purposes, by permission or direction of the Secretary of Agriculture, for transportation from one State or Territory or the District of Columbia into any other State or Territory or the District of Columbia any trees, plants, buds, cuttings, grafts, scions, or nursery stock which have not been examined in accordance with the provisions in sections 5 and 6 of this act, or which on said examination have been declared by the inspector to be dangerously infested with injurious insects or diseases. Any person, persons, or corporation violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for such offense as provided in section 6 of this act.

SEC. 8. That whenever it shall appear to the Secretary of Agriculture that any State, Territory, district, corporation, firm, or person shall have provided proper and competent inspection and treatment in accordance with the provisions of this act for the objects above specified as being subject to inspection and treatment, he may, by proclamation or otherwise, accept such inspection and treatment in lieu of inspection and treatment by officers appointed by himself, which acceptation or proclamation by the said Secretary of Agriculture shall relieve all such articles specified in sections 5, 6, and 7 of this act, when properly stamped or labeled, from further quarantine or restrictions in interstate commerce.

SEC. 9. That the sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, to carry into effect the provisions of this act.

SEC. 10. This law shall take effect on and after the first day of July, 1897.

SUBSTITUTE SECTIONS PROPOSED BY THE NATIONAL NURSERYMEN'S ASSOCIATION.

AN ACT to provide rules and regulations for the importation of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, and fruits, into the United States. And for rules and regulations for the inspection of trees, plants, shrubs, vines, grafts, cuttings, and buds commonly known as nursery stock, grown within the United States, which become subjects of interstate commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

SECTION 1. That it shall be unlawful for any transportation company after October first, 1898, to offer for entry at any port in the United States any trees, plants, shrubs, vines, grafts, cuttings, and buds commonly known as nursery stock, unless accompanied by a certificate of inspection by a government official of the government from which the exportation is made that the same has been examined and found apparently free from all insects and fungus diseases dangerously injurious to nursery stock. In case any nursery stock is offered for entry without said certificate, it shall be the duty of the collector of customs to refuse to accept such stock for entry and shall not allow such nursery stock to pass within the jurisdiction of the United States of America. And after the aforesaid date, October first, 1898, all imported nursery stock shall be free from inspection, quarantine, or restrictions in interstate commerce.

SEC. 2. Whenever it shall appear to the Secretary of Agriculture of the United States of America that any variety or varieties of fruit, grown outside of the United States or the District of Columbia, is or are being, or is or are about to be imported into the United States of America or the District of Columbia, and such variety or varieties of fruit is infested with any seriously injurious insect or disease, and which insect or disease is liable to become established in the United States and seriously affect any variety or varieties of fruit grown therein, he shall have authority to quarantine against any such variety or varieties of fruit and prevent the importation of the same, until such time as it shall appear to him that such insect or disease has become exterminated in the country whence such fruit or fruits is being or are about to be imported, when he shall withdraw the quarantine; and this act shall operate to relieve all such fruit or fruits from further quarantine or restrictions so long as the conditions of freedom from seriously injurious insects or diseases shall continue.

THE SO-CALLED "BARLOW BILL."

55th CONGRESS, 2D SESSION.—H. R. 6894.

(In the House of Representatives, January 18, 1898, Mr. Barlow introduced the the following bill; which was referred to the Committee on Agriculture and ordered to be printed.)*

A BILL to provide rules and regulations governing the importation of trees, plants, shrubs, vines grafts, cuttings, and buds, commonly known as nursery stock, and fruits into the United States, and rules and regulations for the inspection of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, grown within the United States, which become subjects of interstate commerce or exportation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any transportation company, after October first, eighteen hundred and ninety-eight, to offer for entry at any port in the United States any trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, unless accompanied by a certificate of inspection by a government official of the country from which the exportation was made, which certificate shall be made in the manner and form prescribed by the Secretary of Agriculture, certifying that the contents have been examined and found apparently free from all insect and fungous diseases dangerously injurious to nursery stock. In case any nursery goods are offered for entry without said certificate, it shall be the duty of the collector immediately to notify the Secretary of Agriculture, who shall arrange for inspection, and said collector shall not allow them to pass within the jurisdiction of the United States until proper certificate of inspection has been received. And after the aforesaid date, October first, eighteen hundred and ninety-eight, all nursery stock imported in accordance with the aforesaid regulations shall be free from all further inspection, quarantine, or restrictions in interstate commerce; but the Secretary of Agriculture may at any time relieve such articles from inspection by specific order.

SEC. 2. That whenever it shall appear to the Secretary of Agriculture that any variety of fruit grown in an infested district outside of the United States or District of Columbia is being, or is about to be, imported into the United States or the District of Columbia, and such variety of fruit is infested by any seriously injurious insect or disease, and which insect or disease is liable to become established in the United States and seriously affect any variety of fruit grown therein, he shall have authority to quarantine against any such importations and prevent the same until such time as it may appear to him that any such insect or disease has become exterminated in the country or district from which such fruit is being, or about to be, imported, when he may withdraw the quarantine; and this shall operate to relieve all such fruit from further quarantine or restrictions, so long as the conditions of freedom from seriously injurious insect or disease shall continue.

SEC. 3. That all trees, plants, shrubs, vines, and buds, commonly known as nursery stock, grown within the United States, may become subjects of interstate commerce under the rules and regulations as herinafter provided. The Secretary of Agriculture shall cause to be inspected by a qualified entomologist and vegetable pathologist all trees, plants, shrubs, vines, and buds, known as nursery stock, which are subjects of interstate commerce, and which are about to be transported from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia. This examination shall be made, so far as possible, prior to September first of each year, in the manner provided for and prescribed by the Secretary of Agriculture; and if such nursery stock is found to be apparently free from dangerously injurious insects or diseases, the certificate of the officer making such examination and finding shall be issued to the owner or owners of such

*The bill as here printed contains the amendments of the House Committee on Agriculture.—L. O. H.

nursery stock, a copy of which certificate shall be attached to and accompany each carload, box, bale, or package, and when so attached and accompanying shall operate to release all such nursery stock from further inspection, quarantine, or restriction in interstate commerce.

SEC. 4. That it shall be unlawful for any person, persons, or corporation to deliver to any other person, persons, or corporation, or to the postal service of the United States (except for scientific purposes or by permission of the Secretary of Agriculture), for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or for exportation to any foreign country, any trees, plants, shrubs, vines, or other nursery stock which have not been examined in accordance with the provisions of section three of this act, or which on said examination have been declared by the inspector to be infested with dangerously injurious insects or diseases. Any person, persons, firm, or corporation who shall forge, counterfeit, or knowingly alter, deface, or destroy any certificate or copy thereof as provided for in this act and in the regulations of the Secretary of Agriculture, or shall in any way violate the provisions of this act, shall be deemed guilty of a misdemeanor, and on a conviction thereof shall be punished by a fine not to exceed five hundred dollars nor less than two hundred dollars, or by imprisonment not to exceed one year, or both, at the discretion of the court.

SEC. 5. That the rules and regulations herein provided for shall be promulgated on or before the first day of July of each year.

SEC. 6. That the sum of one hundred thousand dollars, to be available on the first day of May, eighteen hundred and ninety-eight, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, to carry into effect the provisions of this act.

SEC. 7. That this act shall take effect on and after the thirtieth day of June, eighteen hundred and ninety-eight.

SEC. 8. That the provisions of this act shall not apply to florists' greenhouse trees, shrubs, plants, bulbs, and so forth, commonly known as florists' stock.

BRITISH AMERICAN LAWS AGAINST INSECTS.

ONTARIO.

No. 47.—1897.

AN ACT to prevent the spread of the San Jose scale.

Her Majesty, by and with the advice and consent of the legislative assembly of the Province of Ontario, enacts as follows:

1. This act may be cited as The San Jose Scale Act.

2. In this act the word "minister" shall mean the minister of agriculture for the Province of Ontario.

The word "plant" shall mean any tree, vine, shrub, or plant, or any part of a tree, vine, shrub, or plant, or the fruit of any tree, vine, shrub, or plant.

The word "scale" shall mean the San Jose Scale insect in any of its stages of development.

3. No person shall import or bring, or cause to be imported or brought into the Province of Ontario, for any purpose whatsoever, any plant infested with scale.

4. No person shall keep, or have, or offer for exchange or sale, any plant infested with scale.

5. For the purpose of scientific investigation the minister may from time to time, by writing given under his hand, except such persons as he may deem proper from the operation of the two preceding sections, and while acting under such permission, such persons shall not be subject to the penalties imposed by this act.

6. Any person having reason to suspect that any plant in his possession, or in his charge or keeping, is infested with the scale shall forthwith communicate with the minister in regard to the same, and shall furnish the minister with all such information in regard to the source or origin of the said infestation and the extent and nature of the same as he may be able to give.

7. Whenever the scale exists or is supposed to exist on any plant, the minister may direct a competent person to make an examination and inspection, and may order that any plant so infested, or such part as he may deem advisable, shall be immediately destroyed by burning, either by the person appointed to make the inspection, or by the person owning or having possession of the said plant, or some other person so directed in writing, and the person so directed shall make a full report to the minister in writing as to the nature and extent of the work so performed, together with a fair estimate of the value of the plant destroyed.

8. For the purpose of enforcing this act, it shall be the duty of every inspector appointed under "the yellows and black knot act" to make careful examination and inspection for the occurrence of the scale within the municipality for which he is appointed, and to report forthwith to the minister every case of infestation, and neglect to make such report shall render the inspector liable to the penalties imposed under section 11 of this act.

9. Any person appointed by the minister under this act to inspect or to destroy any plant, for the purpose of enforcing the provisions of the act, shall, upon producing his authority in writing, have free access to any nursery, orchard, store, storeroom, or other place where it is known or suspected that any plant is kept.

10. Upon the recommendation of the minister, there may be paid out of the consolidated revenue fund of the province to the owner of any plant so destroyed a sum not exceeding one-fourth of the value thereof (not including fruit), as reported upon

by such officer or other competent person appointed as aforesaid, but nothing in this section shall apply to any plant imported into the province within a period of one year prior to the examination by the officer aforesaid.

11. Any person neglecting to carry out the provisions of this act, or any person offering any hindrance to the carrying out of this act shall, upon summary conviction, be liable to a fine of not less than $20 nor more than $100, together with costs, and in default of payment thereof shall be subject to imprisonment in the common gaol for a period of not less than ten days nor more than thirty days.

12. The lieutenant-governor, in council, may, by order, direct that other scale insects than the San Jose scale may be included in the provisions of this act, and thereafter during the continuance of such order in council the word "scale" in this act shall include all such other scale insects. Public notice of such order in council shall be given by publication in two successive issues of The Ontario Gazette.

BRITISH COLUMBIA.

CHAPTER 94.—Horticulture.

An Act respecting the provincial board of horticulture.

Her Majesty, by and with the advice and consent of the legislative assembly of the Province of British Columbia, enacts as follows:

1. This act may be cited as the Horticultural Board Act. 1894, c. 20, s. 1.

Provincial board of horticulture.

2. There is hereby created a provincial board of horticulture, to consist of two ex-officio members, viz, the minister of agriculture and the deputy minister of agriculture (who shall act as secretary of the board) and three members, who shall be appointed by the lieutenant-governor in council, one from each of the horticultural districts which are hereby created, to wit:

(1) The first district shall comprise Vancouver Island and the islands adjacent thereto.

(2) The second district shall comprise the electoral districts of New Westminster City, Vancouver City, Westminster, Cassiar, and that portion of Comox lying on the mainland of British Columbia.

(3) The third district shall comprise the remainder of British Columbia not included in the two other districts. 1897, c. 15, s. 2.

3. The members shall reside in the districts for which they are appointed; they shall be selected with reference to their study of and practical experience in horticulture and the industries dependent thereon; they shall hold office for a term of four years and until their successors are appointed and qualified; but any retiring member of the board shall be eligible for reappointment. All vacancies in the board shall be filled by appointment of the lieutenant-governor in council and shall be for the unexpired term. 1897, c. 15, s. 3.

4. The lieutenant-governor in council may appoint a treasurer of the board, who shall give a bond to the lieutenant-governor in council, with two or more sufficient sureties, in the sum of one thousand dollars for the faithful performance of his duties. The treasurer shall hold his appointment at the pleasure of the lieutenant-governor in council. Before entering upon the discharge of his duties each member of the board shall take and subscribe to an oath of allegiance and to faithfully discharge the duties of his office, which said oath shall be filed with the provincial secretary. 1894, c. 20, s. 4.

5. The board shall receive, manage, use, and hold donations and bequests of money and property for promoting the objects of its formation; it shall meet in the months

of April and October of each year, and as much oftener as it may deem expedient, for the consultation on and for the adoption of those measures that will best promote the horticultural industry of the province; it may, but without expense to the province, select and appoint competent and qualified persons to lecture in each of the districts named in section 2 of this act for the purpose of encouraging and improving practical horticulture and imparting instruction in the best methods of treating diseases of fruits and fruit trees, cleaning orchards, and exterminating orchard pests. 1894, c. 20, s. 5.

6. The office of the board shall be located at the department of agriculture; it shall be kept open to the public, subject to the rules of the board, every day except Sundays and public holidays, and shall be in charge of the secretary during the absence of the board. 1894, c. 20, s. 6.

7. For the purpose of preventing the spread of contagious diseases in orchards and gardens and among fruits and fruit trees, and for the prevention, treatment, cure, and extirpation of fruit pests and the diseases of fruits and fruit trees, and for the disinfection of grafts, scions, or orchard débris, empty fruit boxes or packages, and other suspected material or transportable articles dangerous to orchards, fruits, and fruit trees, said board may make regulations for the inspection and disinfection or destruction thereof, or of nonfruit-bearing trees or shrubs which may carry contagion, and also for requiring all cases of contagious diseases or fruit pests as aforesaid to be reported to the board, which regulations shall be circulated in printed form by the board among the fruit growers and fruit dealers of the Province, and shall be published in the British Columbia Gazette, and, at the discretion of the board, in papers of general circulation in the Province, and shall be posted in three conspicuous places in each district, one of which shall be a court-house therein; and every such regulation, when published in the British Columbia Gazette, shall, so far as the same shall not have been in like manner repealed or varied, be deemed to be and have the force of law, and be so recognized in all courts in the Province.

(2) The power to make regulations for inspection shall include the power to establish and vary places and quarantine stations where such inspection shall be carried out, and to make regulations in regard to the forwarding thereto and detention thereat of articles requiring inspection.

(*a*) In and by any such regulations the board may fix and impose any fine or penalty for the enforcement of the provisions thereof, not exceeding in amount the fines and penalties hereinafter provided in case of the evasion of any of the provisions of this act, and may fix a scale of fees to be taken for inspection, or other services under the regulations, by officers carrying out the same, from the owners or persons in possession of any premises or property.

(*b*) All fines and penalties imposed or fees fixed by any such regulations may be recovered, with costs, in accordance with the provisions of the "summary convictions act," and when collected shall be paid over to the treasurer of the board for the purposes of this act. 1894, c. 20, s. 7; 1895, c. 25, s. 3.

8. All constables or other peace officers shall, when called upon by any member of the board, or any authorized agent thereof, aid and assist such member or agent in carrying out the provisions of this act. 1895, c. 25, s. 4.

9. The lieutenant governor in council shall appoint from the number of the board, or from without their number, to hold office at the pleasure of the lieutenant governor in council, a competent person especially qualified by practical experience in horticulture, who shall be known as "inspector of fruit pests." It shall be the duty of said inspector to visit the horticultural districts of the Province to see that all the regulations of said board be made known to the people of the Province, and to enforce this act and the said regulations in the manner therein or in this act prescribed. The inspector shall, from time to time, and whenever required by said board, report to it such information as he may secure from observation, experience, and otherwise, as to the best method of diminishing and eradicating fruit pests and

diseases from orchards, and also suggestions as to practical horticulture, the adoption of produce suitable to soil, climate, and markets, and such other facts and information as shall be calculated to advance the horticultural interests of the Province. The inspector shall, from time to time, under the direction of the board, hold meetings throughout the Province in the interests of horticulture, and impart such information and instruction to fruit growers and farmers as may tend to the improvement and expansion of the fruit industry of the Province. 1894, c. 20, s. 8.

10. Any member of the board, their inspector or agent, upon the complaint of interested parties, or upon his own motion, may inspect, or cause to be inspected, fruit, trees, plants, grafts, scions, nursery stock of all description, orchard débris, empty fruit boxes or packages, and other material, orchards, nurseries, and other places suspected or believed to be infested with fruit pests, or infected with contagious diseases injurious to trees, plants, or fruits, and for the purposes thereof he shall have full power and authority to enter in and upon any farm, orchard, nursery, or garden, or any barn, warehouse, storehouse, shop, or other place or building, and if he shall find that the said fruit, trees, plants, grafts, scions, nursery stock of all description, orchard débris, empty fruit boxes or packages, and other material, orchards, nurseries, and other places are infested with fruit pests or affected with contagious diseases injurious to trees, plants, or fruits, as aforesaid, such member, or inspector, or agent shall notify, in writing, the owner or person having charge of such premises or property, within a time to be prescribed in such notice, to treat and disinfect said premises or property in the manner presented in such notice; and such property shall not be removed after the owner or person in charge of the same shall have been notified in writing, as aforesaid, without the written permission of a member of the board or the inspector; and if the person so notified shall neglect or refuse to treat and disinfect the said premises or property, in the manner and within the time prescribed in the said notice, such person shall be deemed guilty of a violation of this act; and if it appears on the trial that any orchard, trees, nursery, building, or any other structures, premises, or property in charge of or belonging to the defendant referred to in said notice, or any part of such structures, premises, or property, is infested or affected as aforesaid, the court may order whatsoever of the same is so infested or affected to be disinfected or destroyed within a time to be mentioned in said order, or may make any other order that it shall deem fit; and if such order be not obeyed within the time therein specified, it shall be the duty of the board, or of some member thereof, or of their inspector or agent, to execute such order, and the costs and disbursements of the prosecution shall be adjudged against the party convicted as aforesaid.

(*a*) In case, upon inspection as herein provided, the member of the board, inspector, or agent finds any of the premises to be infested with fruit pests or affected with contagious disease, but is unable to take the proceedings herein provided by reason of there being no person in charge, or either the owner or his whereabouts being unknown, he shall be at liberty to cause the same to be disinfected, and the costs and expenses thereon shall be a lien upon the property, which may be enforced by seizure and sale of a sufficient quantity thereof to satisfy the same: *Provided, however*, That no property shall be destroyed under this subsection until an order therefor has been obtained from a justice of the peace, which order any justice is hereby authorized to make, upon proof of the urgency of the case, or of reasonable efforts having been made to ascertain the owner or person who should be in charge of the infected property. 1894, c. 20, s. 9.

11. It shall be the duty of the secretary to attend all meetings of the board, and to procure records of the proceedings and correspondence, to collect books, pamphlets, periodicals, and other documents containing valuable information relating to horticulture, and to preserve the same; to collect statistics and other information showing the actual condition and progress of horticulture in this Province and elsewhere; to correspond with agricultural and horticultural societies, colleges, and schools of

agriculture and horticulture, and other persons and bodies, as he may be directed by the board, and prepare, as required by the board, reports for publication. 1894, c. 20, s. 10.

12. The treasurer shall receive all moneys belonging to the board, and pay out the same only for bills approved by it, and shall render annually a detailed account to the board of all receipts and disbursements. 1894, c. 20, s. 11.

13. The board shall, annually, in the month of January, report to the minister of agriculture a statement of its doings and any regulations made under this act, with a copy of the treasurer's account for the year preceding, and abstracts of the reports of the inspector of fruit pests, and of the secretary; and such report shall be laid before the legislative assembly immediately, if it be in session, or, if not, within fifteen days after the opening of the next session thereof. The members of the board shall receive as compensation for their services their mileage actually paid out when attending the meetings of the board, and shall be allowed a sum not exceeding five dollars a day for time actually employed, to be fixed by the lieutenant governor in council. 1894, c. 20, s. 12.

14. The said board shall, when making its annual statement, report to the minister of agriculture what (if any) legislation is needed in aid of the horticultural and fruit-growing interests of the Province. 1894, c. 20, s. 13.

15. The powers and duties devolving by this act upon the said board and the inspector of fruit pests, in relation to fruit and fruit trees, shall extend to hops and hop plants, for the purpose of preventing the spread of disease among hops and hop plants, and of extirpating any pests affecting the same. 1894, c. 20, s. 14.

16. Every person violating the provisions of this act shall be liable, upon summary conviction before any justice of the peace, to a penalty not exceeding fifty dollars. 1894, c. 20, s. 15.

RULES AND REGULATIONS MADE AND PUBLISHED UNDER AUTHORITY OF SECTION 7 OF THE "HORTICULTURAL BOARD ACT, 1894," AND OF THE AMENDMENTS THERETO.

1. These regulations may be cited as the "horticultural regulations."

2. In these regulations the word "pests" shall mean and include woolly aphis, apple-tree aphis, scaly bark louse, oyster-shell bark louse, San Jose scale, red scale, borers, codlin moths, currant worms, caterpillars, or other known injurious insects, and all fungous diseases. "The board" shall mean the provincial board of horticulture.

3. All nurserymen, fruit growers, and all persons owning, occupying, or managing an orchard, garden, or nursery infected with any pest shall notify the member of the board for the district in which such orchard, garden, or nursery is located, or the secretary or inspector, or the agent of the board in the district, of the fact that such orchard, garden, or nursery is so infected.

4. All importers of nursery stock, trees, or plants must give notice to a member of the board, or his agent, or the inspector of fruit pests, upon the arrival of any nursery stock, trees, or plants, before the removal of such nursery stock, trees, or plants from any dock, wharf, mole, station, or warehouse where such nursery stock, trees, or plants have been landed, and if such nursery stock, trees, or plants are found to be free of insect pests and fungous diseases the said member of the board, his agent, or the inspector of fruit pests shall issue a certificate to that effect; and all such nursery stock, trees, or plants, if found to be infected with any insect pest or fungous disease, shall be dealt with according to the rules and regulations of the board. All dealers, nurserymen, or persons selling or distributing nursery stock, trees, or plants for which no clean certificate is in force shall, before distributing or offering for sale any article above mentioned, notify the member of the board, his agent or representative, in whose district any such article is found, or the secretary of the board, or the inspector

of fruit pests, who shall inspect or cause to be inspected such nursery stock, trees, or plants, and if they are found to be free from pests shall issue a certificate to the owner or person in charge stating that said articles appear to be free from pests. Such certificate shall be in force for three months from date of issue, unless revoked by further inspection.

5. All persons owning or having in their possession nursery stock or trees and plants of any kind infected with insect pests or fungous disease shall cause the same to be disinfected and cleansed by using the remedies herein prescribed, or such other insecticides and fungicides as may be found effective and are approved of by a member of the board or the inspector of fruit pests, and no such infected nursery stock, trees, or plants shall be sold, forwarded, distributed, or parted with until a certificate of the satisfactory cleansing thereof shall have been obtained from a member of the board or his agent or the inspector of fruit pests. Any member of the board or the inspector of fruit pests may order the destruction, by rooting out and burning, all infected nursery stock, trees, or plants of any kind if in the opinion of such member of the board or inspector of fruit pests such a course is considered expedient in the interests of the fruit-growing industry.

6. All importers of fruit must give notice to a member of the board or his agent or the inspector of fruit pests upon the arrival of any and all shipments of fruit, and all fruit and fruit packages imported into this province shall be inspected, and if found to be free from insect pests and fungous disease a clean certificate shall be issued therefor in conformity with the rules and regulations of the board: *Provided, however,* That no fruit or fruit packages imported into this province shall be removed from any dock, wharf, mole, or station where such fruit and fruit packages have been landed before inspection and such clean certificate thereof shall have been obtained; and all such fruit and fruit packages as may be found infected with any insect pest or fungous disease shall be either destroyed by the importers thereof, by such process and within such time as any member of the board, the inspector of fruit pests, or any agent appointed by the board may direct, or shall be reshipped within such time as any member of the board, the inspector of fruit pests, or any agent appointed by the board may direct, by the importers, thereof, to some point without the Province.

7. All fruit, whether imported or grown in this Province, or exposed for sale, shall be subject to inspection under the authority of the board, and if found to be infected with any injurious insect pest or fungous disease shall be quarantined, or may be destroyed at the expense of the owner of said fruit by such methods as the board or its agents may direct.

8. All persons shipping, sending, or delivering any fruit, fruit trees, scions, cuttings, or plants within the Province shall place upon or securely attach to each box, crate, or other package or parcel containing the same a distinct stamp, mark, or label showing the name of the producer and shipper or sender, and the locality where grown, but boxes and barrels containing fruit shall be stencilled or stamped with letters not less than three-quarters of an inch in length.

9. All infected nursery stock shall, before being distributed, be disinfected by dipping in a solution of one pound caustic soda (concentrated lye) and one pound whale-oil soap to every five imperial gallons of water, thoroughly dissolved, and applied at 103° Fahrenheit in a vat or any suitable vessel, or the said nursery stock may be disinfected by covering with an air-tight tent or box, and for each and every 100 cubic feet of space therein one ounce of fused cyanide of potassium (58 per cent), one fluid ounce of sulphuric acid, and two fluid ounces of water shall be used. The cyanide of potassium shall be placed in an earthenware vessel, the water poured over the said cyanide of potassium, afterwards adding sulphuric acid, and the tent or box to be immediately closed tightly and allowed to remain closed for not less than forty minutes. Treatment for disinfection shall continue until all insect pests or their larvæ are destroyed.

10. For the extirpation of the "woolly aphis" and other insect pests, the board has adopted the following formulæ, which are found to be effectual in the States of California, Oregon, and Washington:

Spray No. 1.

[Winter spray for woolly aphis and scale insects.]

Lime, unslacked	30 lbs.
Sulphur, powdered	20 lbs.
Salt, coarse	15 lbs.
Water	60 gals.

Place 10 pounds of lime and 20 pounds of sulphur in a boiler with 20 gallons of water, and boil over a brisk fire for two hours, until the sulphur is thoroughly dissolved. It will then be amber-coloured. Next place 20 pounds of lime in a cask and pour water enough over it to thoroughly slack it. Add the salt. When dissolved, add to the lime and sulphur and boil half an hour longer. Add enough water to make 60 gallons. Apply lukewarm.

Spray when the trees are dormant, or as soon as the leaves fall, and again in the spring before the buds swell. A good force pump should be used, and care must be taken to thoroughly cover the infected trees with the mixture, which should be constantly stirred when applying.

The above preparation can be obtained in solid form, requiring only the addition of water to be ready for use, and, owing to the difficulty of preparation, the board advises the adoption of this method. Care should be taken to add the necessary quantity of water to reduce the mixture to the strength recommended above.

NOTE.—To insure freedom from lumps it is advisable to pass the mixture through a wire sieve or strainer. Nozzles which are self-cleaning and adjustable, such as the "Improved Bean" and "Bordeaux," are best adapted for distributing this and other spraying mixtures which contain a considerable amount of solid matter.

Spray No. 2.

[Summer spray for aphis.]

Quassia chips	8 lbs.
Whale-oil soap	7 lbs.
Water	100 gals.

Boil the quassia chips in about one gallon of water to each pound quassia chips for one hour. Dissolve the soap in hot or boiling water; strain and mix both together, and add the required amount of water to make 100 gallons altogether.

To be used with spray pump with as much force as possible. This is the standard remedy for aphis in hop yards, and has given good results against other forms of aphides wherever tried, with no injury to foliage.

Spray No. 4.

[Bordeaux mixture for apple scab and other fungous diseases.]

Sulphate of copper (bluestone)	4 lbs.
Fresh unslacked lime	4 lbs.
Water	50 gals.

In a barrel place 25 gallons of water. Weigh out 4 pounds of sulphate of copper, then tie the same in a coarse gunny sack, and suspend it just beneath the surface of the water. By tying the bag to a stick laid across the top of the barrel no further attention will be required.

In another vessel slack the 4 pounds of lime, using care in order to obtain a very smooth paste, free from grit and small lumps. To accomplish this it is best to add only a small quantity of water at first, say two or three pints. When the lime begins to crumble and the water disappears add more water gradually.

If added carefully and slowly a smooth paste will be obtained, provided the lime is of good quality. Then add sufficient water to bring the whole up to 25 gallons.

When the copper sulphate is entirely dissolved and the lime cool, pour the lime milk and copper sulphate solution slowly together in a barrel and stir well with a broad wooden paddle to insure perfect freedom from lumps of lime. It is often necessary to pass the whole mixture through a fine wire sieve or strainer before commencing to spray. For apple and pear scab, spray before the buds open. Repeat before the blossoms expand and again after the blossoms fall. If necessary, repeat again in ten days' time; this will depend upon weather conditions and variety of fruit treated.

The Vermorel nozzle, which distributes the spray in a mist-like form, is probably the best for use with this mixture.

Spray No. 8.—Hellebore.

[For pear and cherry slugs; gooseberry and currant worms.]

For use with spray pump take 1 ounce hellebore to 1 gallon water. Steep the hellebore in one pint of boiling water for an hour, then add the balance of water cold. Hellebore is, however, generally used in the powder form, dusted on the trees or plants treated. A machine for the purpose is the best method of using it on a large scale. In all cases care should be taken to get fresh hellebore, to insure satisfactory results.

Spray No. 9.—Paris-green spray.

[For codlin moth, caterpillars, and other leaf-eating insects.]

Paris green	4 ozs.
Fresh slacked lime	1 lb.
Water	50 gals.

Make a paste of the Paris green with a little water. Make the lime into milk of lime with water. Mix all together and add water to make the required amount.

Paris green is a heavy powder and does not remain long in suspension; hence it must be kept constantly stirred when using. Be sure that good lime is used to prevent burning of foliage. Apply with spray pump. London purple may be used in place of Paris green, but is not usually so reliable.

Paris green or London purple can generally be used to advantage with Bordeaux mixture, making a combined fungicide and insecticide. Use in the proportions given above, viz, 4 ounces Paris green to 50 gallons Bordeaux mixture.

Spray No. 15.—Lye and soap wash.

[For winter use only.]

Concentrated lye	1 lb.
Whale-oil soap	1 lb.
Water	5 gals.

Dissolve the lye and soap in the water heated. The mixture may be applied with a swab or brush or with the spray pump if used warm.

One thorough application in the fall and another before growth commences in the spring should be made when used against woolly aphides. This is also an excellent wash to remove moss or lichen from trees and bushes, and for this purpose alone half the amount of soap is sufficient.

11. Where pests or fungous diseases are found to exist during the growing season, while the trees are in leaf, spraying must be done and such remedies applied as shall be recommended by or under authority of the board from time to time, so that the insects or diseases can at least be held in check until the stronger washes of the dormant season can be safely applied.

12. All boxes, crates, or other packages or wrappings which have contained infected nursery stock shall be destroyed by fire immediately after the removal of the contents thereof.

13. Where hop fields are infected with the hop louse spraying must be done as the board from time to time shall recommend.

14. Importers or owners of nursery stock, trees, or plants desiring to have such nursery stock, trees, or plants inspected at points other than regular quarantine stations may have such inspection done where required: *Provided, however,* That such importers or owners shall pay all charges of inspection and expenses of the officer employed in such inspection, such charges and expenses to be paid before a certificate is granted.

15. *Quarantine regulations:*

Stations.	Quarantine Officers.
Victoria	The inspector of fruit pests, any member of the board, and E. A. Carew-Gibson.
Vancouver, New Westminster, and Liverpool.	T. Cunningham, any other member of the board, and the inspector of fruit pests.
Nanaimo	Geo. Pannell, any member of the board, and the inspector of fruit pests.
Comox	George H. Roe, any member of the board, and the inspector of fruit pests.
Mission City	G. W. Henry, any member of the board, and the inspector of fruit pests.
Vernon	Herbert Francis Denison, any member of the board, and the inspector of fruit pests.
Osoyoos	C. A. R. Lambly, any member of the board, and the inspector of fruit pests.
Kettle River	R. R. Gilpin, any member of the board, and the inspector of fruit pests.
Golden	F. C. Lang, any member of the board, and the inspector of fruit pests.
Fort Steele	R. L. T. Galbraith, any member of the board, and the inspector of fruit pests.
West Kootenay	John F. Costello, Northport, any member of the board, and the inspector of fruit pests.

Transportation companies or persons shall deliver and cause to be detained all nursery stock, trees, plants, and fruit, at one or other of the quarantine stations for inspection, as provided by the rules and regulations of the board, and all such nursery stock, trees, plants, and fruit shall not be removed without the consent of the quarantine officer having been first obtained.

A quarantine officer may also, if in his opinion such a course is necessary, detain any nursery stock, trees, or plants, for the purpose of disinfection, at a quarantine station, until such quarantine officer is satisfied that all infection is removed: *Provided, however,* That in no case shall the inspection of nursery stock, trees, plants, and fruit be done by a quarantine officer having any pecuniary interest in the same.

16. The fees for inspection of apple, pear, plum, cherry, and other fruit trees shall be as follows:

On all consignments numbering—

Under 100 trees	$2.50
100 trees and under 250	3.50
250 trees and under 500	4.50

And for every additional 500 trees or fraction thereof over 500, $1 additional.

For other nursery stock the fees shall be as follows:

$2.50 on $25 in value or fraction thereof.

$3.50 on any consignment over $25 and up to $50 in value, and 5 per cent additional on the value over $50.

When nursery stock, trees, or plants are found to be infected with insect pests or diseases, a charge of 50 per cent will be added to the foregoing rates to pay expenses of the quarantine officers for supervising disinfection and subsequent inspections.

On fruit, viz:

Apples, pears, and quinces, the minimum fee shall be $1 on any sum up to $33, and 3 per cent on any sum over $33 in value.

It is furthermore provided that all other varieties of fruit shall be subject to inspection, if deemed necessary, on the same terms and subject to the same fees as those above mentioned.

Certified invoices will be required.

17. Every person violating the provisions of the "horticultural board act, 1894," or any amendments thereto, or the rules and regulations adopted by the board, is liable, upon summary conviction before a justice of the peace, to a penalty not exceeding fifty dollars for each offence.

18. All rules and regulations heretofore adopted and published under the authority of the "horticultural board act," or any amendments thereto, are hereby repealed, and the foregoing rules and regulations substituted in lieu thereof.

Horticultural and agricultural societies, and all those interested in advancing and protecting the interests of fruit growing, are requested to cooperate with the board in the enforcement of the provisions of the "horticultural act" and the regulations thereunder as adopted by the board.

All correspondence relating to the extirpation of fruit pests should be addressed to the inspector of fruit pests or the member of the board whose district may be affected. Correspondence relating to other matters should be addressed to the secretary of the board.

By command.

J. R. Anderson, *Secretary.*

Office of the Provincial Board of Horticulture,

Victoria, 25th June, 1897.

Members of the board:

The honourable the minister of agriculture.

Jas. R. Anderson, deputy minister of agriculture.

R. M. Palmer, inspector of fruit pests, of Victoria, to represent the first horticultural district, which comprises Vancouver Island and the islands adjacent thereto.

Thomas Cunningham, of New Westminster, to represent the second horticultural district, which comprises the electoral districts of New Westminster City, Vancouver City, Westminster, Cassiar, and that portion of Comox lying on the mainland of British Columbia.

Thomas G. Earl, of Lytton, to represent the third horticultural district, which comprises the remainder of British Columbia not included in the two other districts.

STATE LAWS RELATIVE TO FOUL BROOD.

CALIFORNIA.

AN ACT to authorize the board of supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture. (Approved March 13, 1883, 285.)

SECTION 1. The board of supervisors of any county wherein bees are kept are hereby authorized to appoint one or more persons as inspectors of apiaries, to hold office during the pleasure of the said board.

SEC. 2. The board of supervisors shall fix and determine the compensation of inspectors of apiaries, to be paid out of the funds of the county not otherwise appropriated.

SEC. 3. Upon complaint being made to the inspector to the effect that, in complainant's opinion, the disease known as "foul brood" exists in any apiary in that county, it shall be the duty of such inspector to inspect such apiary as soon as practicable, and direct the person in charge thereof to destroy all hives ascertained to be so affected, together with the combs and bees therein, by burning, or burying the same in the ground the following night.

SEC. 4. If the owner or person in charge of an apiary, by his own inspection or through any other source, discovers foul brood in any hive in said apiary it shall be his duty to destroy such hive and contents in the manner provided in section three of this act.

SEC. 5. Any person failing to comply with the provisions of the last section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five dollars nor more than twenty-five dollars for the first offense, and by a fine of not more than fifty dollars for each subsequent offense.

SEC. 6. This act shall take effect from and after its passage.

SAN BERNARDINO COUNTY ORDINANCE.

An ordinance for the further protection of bee culture.

The board of supervisors of the county of San Bernardino, State of California, do ordain as follows:

SECTION 1. Any person bringing into this county any hive or hives of bees affected with the disease known as foul brood shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or not over ten days' imprisonment in the county jail.

SEC. 2. Any person selling and transferring to any other person in this county any hive or hives of bees affected with the disease known as foul brood shall be guilty of a misdemeanor, and on conviction thereof shall be subject to the penalty prescribed for a violation of section 1 hereof.

SEC. 3. It shall be the duty of the county inspector of apiaries, on receiving notice from any owner of bee hives requesting him to examine said hives, to at once proceed to inspect the same and issue his certificate setting forth the condition in which he finds said bee hives, and if said certificate shows said disease known as foul brood to exist among said bees, said bee hives so affected shall at once be disposed of as provided by the laws of this State.

SEC. 4. This ordinance shall be in full force and effect from and after the first day of June, A. D. 1893.

The foregoing ordinance, containing four sections, was adopted by the board of supervisors of San Bernardino County, California, at a regular meeting of said board,

held on the 1st of May, A. D. 1893. Present: Supervisors Victor, Turner, Lord, White, and Randall.

The ordinance was first considered section by section, and each section adopted separately, and afterwards the ordinance was adopted as a whole.

Sections 1, 2, 3, and 4, and this ordinance as a whole, were adopted by a unanimous vote of Supervisors Victor, Turner, Lord, White, and Randall.

Witness our hands and the seal of the board of supervisors on this 1st day of May, A. D. 1893.

J. N. VICTOR, *Chairman.*

Attest:

T. J. BOLTON,
Clerk of Board of Supervisors.

COLORADO.

AN ACT to amend an act to suppress and eradicate foul brood and other infectious and contagious diseases of bees, approved April 18, 1889, and to provide penalties for violation thereof.*

Be it enacted by the general assembly of the State of Colorado:

SECTION 1. Upon the written application, under oath of the president or secretary of the Colorado State Beekeepers' Association, or of any five actual beekeepers, resident in any county in this State, alleging, upon information and belief, that the disease known as foul brood, or any other contagious or infectious disease, exists among bees in said county, or that infected articles are kept in said county, and that there is danger that such disease will spread to other apiaries, being made to the county court of said county or to the judge thereof, at chambers, the said court or judge shall, by order to be entered in the records of said court, appoint some competent, actual beekeeper, resident in said county, to be county inspector of bees; and the applicants shall state in this application the names of the actual beekeepers of the county, so far as known to them.

SEC. 2. The person so appointed shall within five days after his appointment file with the clerk of such court his written acceptance of the office, or in default thereof the judge or court shall in the same manner make new appointments until the said office is filled. The inspector shall hold his office during the pleasure of the court and until his successor is appointed and qualified.

SEC. 3. Every beekeeper or other person who shall be aware of the existence of foul brood, either in his own apiary or elsewhere, shall immediately notify the county inspector of bees, if there be one, and, if not, the secretary of the Colorado State Beekeepers' Association of the existence of such disease, and in default of so doing shall on summary conviction before a justice of the peace be liable to a fine of $5 and costs.

SEC. 4. On receiving notice from any source of the existence in any apiary in his county of the disease known as foul brood or any other infectious or contagious disease of bees, the county inspector of bees shall forthwith inspect each colony of bees and all hives, implements and apparatus, honey, and supplies on hand or used in connection with such apiary, and mark or otherwise distinctly designate each colony and apiary which he believes infected, and notify the owner or person in charge of said bees thereof in writing or otherwise, and the owners of said bees or the person in charge thereof shall within five days thereafter either practically and in good faith apply, and thereafter fully and effectually carry out to and upon such diseased colonies such treatment as may have been prescribed by the Colorado State Beekeepers' Association for such cases; also thoroughly disinfect, to the satisfaction of such inspector, all hives, beehouses, combs, honey, and apparatus that have been used in connection with any such diseased colonies; or, at his election, the said

* Published by the Colorado Beekeepers' Association, Harry Knight, secretary, Littleton, Colorado.

owner or person in charge of such bees may within the same time utterly and completely destroy said bees, hives, houses, comb houses, and apparatus by fire, or bury the same in the ground with a covering of not less than two feet of earth.

SEC. 5. After inspecting infected hives or fixtures, or handling diseased bees, the inspector shall, before leaving the premises or proceeding to any other apiary, thoroughly disinfect his own person and clothing, and shall see that any assistant or assistants with him have also thoroughly disinfected their persons and clothing.

SEC. 6. The inspector shall have full power, in his discretion, to order any owner or possessor of bees, dwelling in box hives in apiaries where the disease exists (being mere boxes without frames), to transfer such bees to movable-frame hives within a specified time, and, in default of such transfer, the inspector may destroy, or order the destruction of such box hives and the bees dwelling therein.

SEC. 7. Should the owner or possessor of diseased colonies of bees or any portion of said colonies, be they queens or workers, or of any affected appliances for bee keeping, knowingly sell, or barter or give away or move or allow to be moved such diseased colonies or portion of colonies or infected appliances, he shall, on conviction before any justice of the peace, be liable to a fine of not less than $50 nor more than $100 or to imprisonment in the county jail for any term not exceeding two months.

SEC. 8. Should any person whose bees have been destroyed or treated for foul brood sell or offer for sale any bees, hives, or appurtenances of any kind after such destruction or treatment and before being authorized by the inspector to do so, or should he expose in his bee yard or elsewhere any infected comb honey or other infected thing or conceal the fact that said disease exists among the bees, he shall, on conviction before a justice of the peace, be liable to a fine of not less than $20 nor more than $50 or to imprisonment in the county jail for a term not exceeding two months and not less than one month.

SEC. 9. When an owner or possessor of bees shall disobey the directions of said inspector, or offer resistance to, or obstruct the said inspector, a justice of the peace may, upon the complaint of the inspector, cause a sufficient number of special constables to be sworn in, and such special constables shall proceed to the premises of such owner or possessor, and assist the inspector to seize all the diseased colonies and infected appurtenances, and burn them forthwith, and, if necessary, the said constables may arrest the said owner or possessor, and bring him before a justice of the peace to be dealt with according to the provisions of the preceding section of this act.

SEC. 10. Before proceeding against any person before any justice of the peace, the said inspector shall read over to such person the provisions of this act, or shall cause a copy thereof to be delivered to such person.

SEC. 11. The said inspector shall include in his annual report to the president of the Colorado State Beekeepers' Association a statement of his work during the preceding year, which statement shall include, *first*, the number of colonies inspected; *second*, the number of colonies diseased; *third*, the number of colonies destroyed by fire or otherwise; *fourth*, the names of owners and the localities where found; and *fifth*, the amount paid to him for his services and his expenses for the preceding year.

SEC. 12. The county inspector of bees of each county shall receive a per diem allowance of four dollars for each full day and two dollars for each half day necessarily and actually employed in the discharge of his duties under this act, together with his actual and necessary expenses while so employed, to be audited, allowed, and paid by the county officers in the same manner as other claims against the county.

SEC. 13. All other acts or parts of acts in conflict with this act are hereby repealed.

SEC. 14. In the opinion of the general assembly an emergency exists, and this act shall take effect from and after its passage.

MICHIGAN.

CHAPTER LXII.—Prevention of Foul Brood Among Bees.

The people of the State of Michigan enact:

Section 1. That it shall be unlawful for any person to keep in his apiary any colony of bees affected with the contagious malady known as foul brood; and it shall be the duty of every beekeeper, as soon as he becomes aware of the existence of said disease among his bees, to forthwith destroy, or cause to be destroyed, by burning or interment, all colonies thus affected.

Sec. 2. In any county of this State in which foul brood exists, or in which there are good reasons to believe it exists, it shall be lawful for any five or more actual beekeepers of said county to set forth such fact, belief, or apprehension in a petition addressed to the judge of probate, requiring him to appoint a competent commissioner to prevent the spread of said disease, and to eradicate the same; which petition shall be filed with and become a part of the records of the court where such application is made.

Sec. 3. It shall be the duty of the judge of probate, on the receipt of petition specified in section 2 of this act, to appoint within ten days thereafter a well known and competent beekeeper of said county as a commissioner, who shall hold his office during the pleasure of said court; and a record of such order of appointment, and revocation, when revoked, shall be filed as a part of the records of said court.

Sec. 4. It shall be the duty of said commissioner, within ten days after his appointment as aforesaid, to file his acceptance of the same with the court from which he received his appointment.

Sec. 5. Upon complaint of any three beekeepers of said county, in writing and on oath, to said commissioner, setting forth that said disease exists, or that they have reason to believe it exists within said county, designating the apiary or apiaries wherein they believe it to be, it shall become the duty of the commissioner, to whom such complaint is delivered, to proceed, without unnecessary delay, to examine the bees so designated; and if he shall become satisfied that any colony or colonies of said bees are diseased with foul brood, he shall, without further disturbance to said bees, fix some distinguishing mark upon each hive wherein exists said foul brood, and immediately notify the person to whom said bees belong, personally or by leaving a written notice at his place of residence, if he be a resident of such county; and if such owner be a nonresident of such county, then by leaving the same with the person in charge of such bees, requiring said person, within five days, Sundays excepted, from the date of said notice, to effectually remove or destroy said hives, together with their entire contents, by burying them or by fire; but in case no foul brood is found to exist in said apiary the persons so petitioning, or any of them, shall be liable to said commissioner for the amount of his fees for such services.

Sec. 6. If any person neglects to destroy, or cause to be destroyed, said hives and their contents in manner as described in section five, after due notification, and after the time above limited, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not to exceed twenty-five dollars, or by imprisonment in the county jail not more than fifteen days, or both, in the discretion of the court, for the first offense; and for each additional offense he shall be liable to a fine not to exceed one hundred dollars, or imprisonment in the county jail not more than sixty days, or both, in the discretion of the court; and any justice of the peace of the township where said bees exist shall have jurisdiction thereof.

Sec. 7. The commissioner shall be allowed for services, under this act, two dollars for each full day actually employed, and one dollar for each half day actually employed, the account to be audited by the board of supervisors and paid in the same manner as all other county claims, but no fees shall be allowed by the board

of supervisors to such commissioner for any services under this act unless foul brood is found to exist.

SEC. 8. In all suits and prosecutions under this act it shall be necessary to prove that said bees were actually diseased or infected with foul brood.

NEBRASKA.

CHAPTER 82.—BEES.

SECTION 1. It shall be unlawful for any person to keep or have in possession in this State any honeybees, brood comb, or honey known to possess or be infected with the disease known as "foul brood" or with any other infectious or contagious disease peculiar to bees and honey, contrary to the provisions of this act, or to keep or to have in possession any beehive or other receptacle in which foul brood, diseased bees, or infected honey is known to have been kept. Every person violating any provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than ten dollars nor more than one hundred for each offense, or be confined in the county jail not more than thirty days.

SEC. 2. Any honeybees, brood comb, or honey owned or kept or found in this State, known to be affected with foul brood or other infectious or contagious disease, and any beehive or receptacle in which any bees, brood comb, or honey shall have been kept, known to have been infected with any infectious or contagious disease, shall be destroyed immediately and completely by burning, by the owner thereof or the person or persons in whose possession the same may be.

SEC. 3. Every person owning or having in his or her possession, or under his or her control, any honeybees, brood comb, honey, beehive, or receptacle or apparatus known to be infected with any infectious or contagious disease peculiar to honeybees or honey, or in which any diseased bees or infected honey shall have been kept, who shall not immediately cause the same to be destroyed as provided in section 2 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than ten dollars nor more than one hundred dollars for each offense, or be imprisoned in the county jail not more than thirty days for each offense.

SEC. 4. Every person owning or keeping honeybees in this State shall cause all bees owned or kept by him or her to be inspected at his or her own expense as hereinafter provided. Every person neglecting or refusing to cause all such bees to be duly inspected as hereinafter provided shall be deemed guilty of a misdemeanor, and shall pay a fine of not less than ten dollars nor more than one hundred dollars for each offense upon conviction thereof. Provided, that if upon inspection of any colony or colonies of bees the disease of foul brood or other infection or contagion shall be found to exist, and such inspector shall be of the opinion that by proper treatment such disease or contagion or infection may be removed, he shall so certify officially in his certificate of inspection, and the owner or owners of such bees shall be entitled to keep such bees for the period of six months for treatment, and at the expiration of said time, if such disease, infection or contagion shall not be eradicated, such bees shall be destroyed, as hereinbefore provided, and any person or persons having in possession any brood, comb, beehives, honey, or apparatus used in connection with bee culture, found in like manner to be infected with foul brood or infectious or contagious disease, such person shall be allowed the period of thirty days to disinfect the same, but no longer, and if at the end of said period of thirty days said disinfection shall not have been complete, such brood, comb, beehive, honey, or apparatus shall be destroyed as hereinbefore provided.

SEC. 5. Every person engaged in beekeeping in this State, either as owner, agent, or lessee, in infected districts, shall cause to be inspected at least once in each year each and every brood or colony of bees, brood comb, and honey in his or her posses-

sion or under his or her control, and procure a certificate of such inspection showing the true condition of each and everyone of the above-named articles in his or her possession as to the existence of foul brood or other infectious or contagious disease, in duplicate, one of which duplicates shall be left with such person and the other shall be filed in the office of the county clerk of the county where such bees or honey or brood comb is kept.

SEC. 6. Upon the application of the Nebraska State Beekeepers' Association, or other person or persons interested in bee culture residing in any county in this State, the governor may appoint a suitable person, resident of said county, inspector of bees and honey for said county, who shall be sworn to perform the duties of such office faithfully and impartially, whose duty it shall be to inspect all bees, brood combs, honey, within his said county when called upon for said purpose, and shall be entitled to receive the sum of two dollars for each day or part of a day necessarily employed in making such inspection, to be paid by the owner or agent or lessee in whose possession such bees, brood comb, or honey may be when inspected. Such inspectors shall make certificates in duplicate, and shall give one to the owners or persons in charge of such bees, or brood combs, or honey, and file the other in the office of the county clerk as aforesaid.

Took effect June 6th, 1885.

NEW YORK.

Article V of the agricultural laws of the State of New York, contained in the laws of 1893, chapter 338, sections 80 and 81, reads as follows:

SEC. 80. *The prevention of diseases among bees.*—No person shall keep in his apiary any colony of bees affected with a contagious malady known as foul brood, and every bee keeper, when he becomes aware of the existence of such disease among his bees, shall destroy or cause to be destroyed forthwith all colonies thus affected. In any county any five or more actual bee keepers of the county in which foul brood exists may present to the commissioner of agriculture a petition setting forth that such disease exists, or that the petitioners have reason to believe that it exists in such county and the reasons of such belief, and requesting him to appoint a competent person to prevent the spread of such disease and eradicate the same. Upon the receipt of such petition the commissioner of agriculture shall, within thirty days thereafter, appoint some well known and competent bee keeper of the county as an agent of the commissioner, who shall hold his office during the pleasure of the commissioner of agriculture, and who shall within ten days after his appointment file in the office of the county clerk of the county an acceptance of the appointment and constitutional oath of office.

(Pen. Code, sec. 408 a, as added by L. 1893, ch. 692, reads as follows: Violations of agricultural law: Any person who disregards, disobeys or violates any proclamation, notice, order, or regulation, lawfully issued or prescribed by the commissioner of agriculture for the suppression or prevention of infectious or contagious diseases among domestic animals, or who violates any of the provisions of sections eighty and eighty-two of Article V of the agricultural law is guilty of a misdemeanor).

SEC. 81. *Proceedings of the agent of the commissioner.*—Upon written verified complaint of any two bee keepers of the county to such agent, setting forth the existence of the disease or that they have good reason to believe that it exists within the county, and the grounds of such belief, designating the apiary or apiaries wherein they believe it to be, such agent shall, without unnecessary delay, examine the bees designated. If satisfied that any colony or colonies of such bees are diseased with foul brood, he shall, without further disturbance to the bees, fix some designating mark upon each hive wherein the disease exists, and immediately notify the owners of the bees, or by leaving a written notice at his place of residence, if he be a resident of the county,

and if not, by leaving the same with the person in charge of such bees, requiring him within five days from the date of the notice to effectually remove or destroy such hive with its entire contents by burying them or by fire. The agent of the commissioner shall be allowed for his services under this section two dollars for each full day spent by him in the discharge of his official duties, which shall be a county charge.

UTAH.

LAW OF UTAH FOR THE PROTECTION AND ENCOURAGEMENT OF THE BEE INDUSTRY.

SECTION 1. The board of county commissioners of the several counties shall, when petitioned by a majority of the beekeepers thereof, appoint one or more qualified persons inspectors of bees for their respective counties.

SEC. 2. Such inspectors shall hold their office for two years and until their successors are appointed and qualified. They shall qualify by taking and subscribing their official oath and by giving bonds to be approved by their respective boards of county commissioners, which oath and bonds shall be filed with the county clerk.

SEC. 3. Inspectors shall be paid out of the county treasury for services actually rendered at such rate per day as the board of county commissioners may fix. The assessor of each county is hereby required to assess each colony of bees in his county in the same manner as other assessments are made. All taxes shall be assessed and collected thereon in the manner provided by law for the collection and payment of county taxes.

SEC. 4. All hives of bees in each county shall be carefully inspected at least once each year by a county or district inspector, where such inspector has been appointed, and, at any time upon complaint that disease exists among bees of any person, the inspector to whom complaint is made shall immediately inspect the bees said to be infected. The inspector shall have authority to take charge and control of diseased bees and their hives, and the tools and implements used in connection therewith for treatment; or destroy such bees, broods, or hives and their contents, or implements, as may be infected; provided, that any owner questions a decision of the inspector he may appeal to three arbitrators selected from among the beekeepers of the county, one of whom shall be chosen by the owner, the second by the inspector, and the third so chosen, whose decision, concurred in by at least two of their number, shall be conclusive as to the condition of the bees at the time of such examination.

SEC. 5. Any person who shall hinder or obstruct, or attempt to hinder or obstruct, a duly appointed inspector from the performance of any duty required by this title, shall, on conviction thereof before a justice of peace having jurisdiction, be deemed guilty of a misdemeanor, and shall be fined for the first offense not less than five nor more than twenty-five dollars, and for any additional offenses, any sum not exceeding fifty dollars.

Approved March 11th, 1897. To take effect January 1, 1898.

WISCONSIN.

CHAPTER 150.

AN ACT for the suppression of foul brood among bees in Wisconsin.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Upon the recommendation of a majority vote of the members of the beekeepers' societies of Wisconsin, the governor shall appoint for a term of two years a State inspector of apiaries, who shall, if required, produce a certificate from the governor that he has been so appointed.

SEC. 2. The inspector shall, when notified, examine all reported apiaries, and all others in the same locality not reported, and ascertain whether or not the disease known as foul brood exists in such apiaries; and if satisfied of the existence of foul brood, he shall give the owners or care takers of the diseased apiaries full instructions how to treat said cases, as in the inspector's judgment seems best.

SEC. 3. The inspector, who shall be the sole judge, shall visit all diseased apiaries a second time, and, if need be, burn all colonies of bees and combs that he may find not cured of foul brood.

SEC. 4. If the owner of a diseased apiary, honey, or appliances, shall sell, barter, or give away any bees, honey, or appliances, or expose other bees to the danger of said disease, or refuse to allow said inspector to inspect such apiary, honey, or appliances, said owner shall, on conviction before a justice of the peace, be liable to a fine of not less than fifty dollars nor more than one hundred, or not less than one month's imprisonment in the county jail nor more than two months' imprisonment.

SEC. 5. The inspector of apiaries shall make an annual report to the governor of Wisconsin, giving the number of apiaries visited, the number of diseased apiaries found, the number of colonies treated, also the number of colonies destroyed by fire, and his expenses.

SEC. 6. There is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, a sum not exceeding five hundred dollars per year for the suppression of foul brood among bees in Wisconsin. Said inspector shall receive four dollars per day and traveling expenses, for actual time served, which sum shall not exceed the moneys hereby appropriated, to be paid by the State treasurer upon warrants drawn and approved by the governor.

SEC. 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1897.

ONTARIO, CANADA.

AN ACT for the suppression of foul brood among bees. (Assented to 7th April, 1890.)

Her Majesty, by and with the advice and consent of the legislative assembly of the Province of Ontario, enacts as follows:

1. (1) The Ontario Beekeepers' Association shall at each annual meeting, or the directors of the said association shall, if in the interval between two annual meetings the occasion should arise, appoint an inspector of apiaries, and a subinspector for the Province of Ontario, and the said inspector and subinspector shall be elected by the vote of the majority of the members of said association present at the annual meeting, or the vote of the majority of the directors, as the case may be. Any annual meeting may delegate the annual appointment of an inspector and subinspector to the newly elected board of directors. (2) The said subinspector may, when so directed, as hereinafter provided, perform all the duties and exercise all the powers in this act directed to be performed or exercised by the inspector, and the provisions of this act, relating to the inspector, shall be deemed to apply to and include the said subinspector. (3) The inspector or subinspector on entering upon any premises in the discharge of his duties shall, if so required, produce the certificate of the president of the said association that he has been appointed as such inspector or subinspector, as the case may be.

2. The said inspector and subinspector shall hold office for one year from the date of the annual meeting at which they were appointed, or if they shall have been appointed by the directors, then until the next annual meeting after such appointment, and shall be eligible for reelection; but the said inspector or subinspector may at any time, subject to the approval of the lieutenant-governor in council, be removed from office by the directors for neglect of duty or other sufficient cause, and in case of such removal the directors shall without delay appoint a successor.

3. The said inspector shall, whenever so directed by the president of the Ontario Beekeepers' Association, visit without unnecessary delay any locality in the Province of Ontario and there examine any apiary or apiaries to which the said president may direct him, and ascertain whether or not the disease known as "foul brood" exists in such apiary or apiaries, and whenever the said inspector shall be satisfied of the existence of foul brood in its virulent or malignant type, it shall be the duty of the inspector to order all colonies so affected, together with the hives occupied by them, and the contents of such hives, and all tainted appurtenances that can not be disinfected, to be immediately destroyed by fire under the personal direction and superintendence of the said inspector; and after inspecting infected hives or fixtures, or handling diseased bees, the inspector shall, before leaving the premises or proceeding to any other apiary, thoroughly disinfect his own person and clothing and shall see that any assistant or assistants with him have also thoroughly disinfected their persons and clothing; provided, that where the inspector, who shall be the sole judge thereof, shall be satisfied that the disease exists, but only in milder types and in incipient stages, and is being or may be treated successfully, and the inspector has reason to believe that it may be entirely cured, then the inspector may, in his discretion, omit to destroy or order the destruction of the colonies and hives in which the disease exists.

4. The inspector shall have full power, in his discretion, to order any owner or possessor of bees dwelling in box hives in apiaries where the disease exists (being mere boxes without frames), to transfer such bees to movable frame hives within a specified time, and in default of such transfer the inspector may destroy, or order the destruction of such box hives and the bees dwelling therein.

5. Should the owner or possessor of diseased colonies of bees, or of any infected appliances for bee keeping, knowingly sell or barter, or give away such diseased colonies or infected appliances, he shall, on conviction before any justice of the peace, be liable to a fine of not less than $50 or more than $100, or to imprisonment for any term not exceeding two months.

6. Should any person whose bees have been destroyed or treated for foul brood, sell, or offer for sale any bees, hives, or appurtenances of any kind, after such destruction or treatment, and before being authorized by the inspector so to do, or should he expose in his bee yard, or elsewhere, any infected comb, honey, or other infected thing, or conceal the fact that said disease exists among his bees, he shall, on conviction before a justice of the peace, be liable to a fine of not less than $20 and not more than $50, or to imprisonment for a term not exceeding two months, and not less than one month.

7. Should any owner or possessor of bees refuse to allow the inspector or his assistant or assistants to freely examine said bees, or the premises in which they are kept, or should such owner or possessor refuse to destroy the infected bees and appurtenances, or permit them to be destroyed when so directed by the inspector, he may, on the complaint of the inspector, be summoned before a justice of the peace, and on conviction shall be liable to a fine of not more than $50 or less than $25 for the first offence, and not more than $100 or less than $50 for the second and any subsequent offences, and the said justice of the peace shall make an order directing the said owner or possessor forthwith to carry out the directions of the inspector.

8. When the owner or possessor of bees shall disobey the directions of the said inspector or offer resistance to, or obstruct the said inspector, a justice of the peace may, upon the complaint of the said inspector, cause a sufficient number of special constables to be sworn in, and such special constables shall, under the directions of the inspector, proceed to the premises of such owner or possessor, and assist the inspector to seize all the diseased colonies and infected appurtenances and burn them forthwith, and if necessary the said inspector or constables may arrest the said owner or possessor and bring him before a justice of the peace to be dealt with according to the provisions of the preceding section of this act.

9. Before proceeding against any person before a justice of the peace, the said inspector shall read over to such person the provisions of this act or shall cause a copy thereof to be delivered to such person.

10. Every beekeeper or other person who shall be aware of the existence of foul brood either in his own apiary or elsewhere shall immediately notify the president of the Ontario Beekeepers' Association of the existence of such disease, and in default of so doing shall, on summary conviction before a justice of the peace, be liable to a fine of $5 and costs.

11. Upon receiving the notice in the preceding section mentioned or in any way becoming aware of the existence of foul brood in any locality, the said president shall immediately direct the said inspector to proceed to and inspect the infected premises; provided that when the person giving such notice is unknown to said president, or there is reason to believe that the information in said notice is untrustworthy, or that the person giving such notice is actuated by improper motives, then the said president may require the person giving such notice to deposit the sum of $5 with the president as a guarantee of good faith before the said notice shall be acted upon, and if it shall prove that said notice was properly given then the said deposit shall be returned to the person giving such notice, but otherwise the said deposit shall be forfeited to the use of the said Ontario Beekeepers' Association.

12. The said association shall include in its annual report to the minister of agriculture a statement of the inspector's work during the preceding year, which statement shall include the number of colonies destroyed by order of the inspector and the localities where found and the amount paid to him for his services and expenses for the preceding year.

13. The directors of the said association may from time to time make such by-laws and regulations for the control and guidance of the inspector in carrying out the provisions of this act as they may deem necessary, and the said directors shall also by by-laws fix the amount of the remuneration of the said inspector and subinspector, but all such by-laws and regulations shall be subject to the approval of the minister of agriculture.

PROPOSED STATE LEGISLATION AGAINST THE SAN JOSE SCALE AND FOUL BROOD.

MINNESOTA.

Proposed Law Against the San Jose Scale.

A Bill to prevent the introduction or spread of San Jose Scale.

Be it enacted by the legislature of the State of Minnesota:

Section 1. The governor shall appoint one of the members of the Minnesota State Agricultural Experiment Station staff, who shall be known as the inspector of nurseries and orchards, who shall hold office during the term of two years, and whose duty it shall be to inspect any and all nurseries and orchards in the State of Minnesota as to whether they are infested by the San Jose scale, and, if upon such inspection, such nurseries and orchards be found free from said insects, to give to the owner of such nurseries and orchards a certificate to that effect, and he shall file a duplicate certificate with the Minnesota State Agricultural Experiment Station; and in case he shall find present in any such nursery or orchard any such insects, he shall notify the owner thereof in writing and shall direct him to use such means as will exterminate such insects, and the owner of such nursery or orchard shall not ship or deliver any trees, vines, shrubs, or plants until he has secured from said inspector a certificate as aforesaid.

Sec. 2. The owner of such nursery or orchard, trees, vines, shrubs, or plants shall within the time specified in such notice take such steps for the destruction of such insects as will exterminate the same, and he shall not ship or deliver any such trees, vines, shrubs, or plants affected with such insects under the penalty of a fine of one dollar for every tree, vine, plant, or shrub so affected when shipped or delivered from such nursery, which fine shall be collected by suit by the prosecuting attorney of the county in which said nursery or orchard is located, one-half thereof to go to the informer and the balance to be paid to said Minnesota State Agricultural Experiment Station.

Sec. 3. Whenever it shall happen that the State inspector of nurseries and orchards shall give the notice heretofore required to the owner of a nursery or orchard for the destruction of these insects and the said owner shall fail or neglect to take the measures necessary for the destruction thereof within the time mentioned in the notice given him, it shall be the duty of the State inspector of nurseries and orchards to have the proper remedies applied to such nursery or orchard for the destruction of such insects, and he shall employ all necessary assistance and may enter the premises of said owner of such nursery or orchard for the purpose of treating and exterminating such insects; and the owner of such nursery or orchard shall be liable for the cost of such proceeding, for the services of the inspector at a rate per diem to be fixed by the Minnesota State Agricultural Experiment Station, not to exceed five dollars per day, and for such number of days as said State inspector shall determine, which said charge must be paid before the delivery of the certificate mentioned in section one of this act.

Sec. 4. Whenever any trees, plants, or vines are shipped into this State from another State every package thereof shall be plainly labeled on the outside with the

name of the consignor, the name of the consignee, the contents, and a certificate properly signed by such officer, showing that the contents have been inspected by a competent State officer or inspector, and that the trees, plants, or vines contained therein are apparently free from all San Jose scale, and a duplicate of such certificate shall also be attached to and accompany the bill of lading. All agents of railway, express, or transportation companies within the State of Minnesota are hereby forbidden to deliver any consignment of trees, shrubs, vines, plants, or other nursery stock to any consignee unless the same is accompanied by a certificate of inspection as hereinbefore provided. In the absence of said certificate said agent of the said railway, express, or transportation company shall notify the said consignee by depositing a written notice in the United States mail that said consignment is received and held for inspection, and said consignee shall at once secure its inspection by the legally constituted State authority, and upon the presentation of such certificate duly executed by said inspector or his deputy said consignment may be delivered.

SEC. 5. Every person, firm, or corporation growing or offering for sale in this State any trees, vines, shrubs, or plants, commonly known as nursery stock, shall, on or before the first day of October of each year, apply to the State inspector of nurseries and orchards for the inspection of said stock under the provisions of this act and a license for its sale, and shall deposit with the said inspector a fee of five dollars as a license for himself as principal and one dollar as a license fee for each and every one of the local or traveling agents or employees who shall engage in selling such stock or soliciting orders for the same; and each of such principals shall execute to the State of Minnesota a bond in the sum of one thousand dollars with two good and sufficient sureties who are residents and freeholders of said State, conditioned that he or they will comply with all the provisions of this act, and that upon demand he or they will file with the State inspector of nurseries and orchards within thirty days after delivery a list of the persons to whom he has sold or delivered any such nursery stock, giving species and varieties, together with the post-office address of each. Such information shall be preserved and be for the sole use of the nursery and orchard inspector and his deputies.

SEC. 6. No person, firm, or corporation resident of another State, province, or country, shall engage or continue in the business of importing any trees, plants, shrubs, or vines, commonly known as nursery stock, into this State, or of selling such importations within the State, or of selling such articles within the State for subsequent importations into it, without having first obtained from the State inspector of nurseries and orchards a license to do business in this State, as provided in section five of this act, and he shall also file with the inspector of nurseries and orchards the bond therein required, together with the certificate of inspection by a legally authorized inspector of the State, province, or country where said person, firm, or corporation is located.

SEC. 7. The inspector of nurseries and orchards upon receipt of the fee required in this act, together with the bond and a satisfactory certificate of inspection, shall issue license to the applicant according to the provisions of this act; and all such licenses shall expire on the first day of October next following the date of their issue.

SEC. 8. It shall be the duty of the State inspector of nurseries and orchards whenever it shall come to his knowledge that the San Jose scale exists in any orchard in this State, or is supposed to exist, to investigate the case, and if said insects are found he shall have authority to enter upon the premises and proceed according to the provisions of this act in exterminating the same. If the owner of such orchard shall refuse or neglect to comply with the orders of said inspector, the inspector shall employ such aid as may be necessary to carry out his orders and recommendations, the expense of which procedure shall be certified to the proper township, city, or county officers, and by them be allowed, who shall cause the same to be assessed as a special tax upon the premises concerned.

SEC. 9. The State inspector of nurseries and orchards shall appoint such number of deputies as may be required, subject to the approval of the directors of the Minnesota State Agricultural Experiment Station, and he shall render a full and complete report of his proceedings, acts, and expenditures under this act to the said directors of the Minnesota State Agricultural Experiment Station, who shall audit his accounts and may publish said report.

SEC. 10. All expenses incurred under the provisions of this act not otherwise provided for shall be paid out of the general fund of the State, and the State auditor shall draw his warrant for the same, and for this purpose the sum of twenty-five hundred ($2,500) dollars, or so much as may be necessary, is hereby annually appropriated.

SEC. 11. All prosecutions or suits under this act shall be made in the name of the State of Minnesota.

SEC. 12. This act shall take effect and be in force from and after June 1, 1897.

FLORIDA.

[Introduced, but not passed, at legislative session of 1896–97.]

AN ACT for the control and extirpation of diseases and insects of horticultural and agricultural products of the State of Florida.

Be it enacted, etc.:

SECTION 1. A permanent commission to be known as the Florida State Commission for the control of diseases of horticultural and agricultural products is hereby created to consist of the commissioner of agriculture, ex officio, the botanist and entomologist of the State Experiment Station, ex officio, and one other person who is a horticulturist, who shall be appointed by the governor and shall hold office for a term of four years, or until his successor is appointed. The governor shall have power to fill all vacancies that may happen in the commission by granting commissions which shall expire when such vacancies are regularly filled.

SEC. 2. Said commission shall meet first within sixty days after the approval of this act, and thereafter annually, at the seat of government on the first Monday of February, and shall be in session for a period not exceeding ten days; and for such services each commissioner who is not a salaried officer of the State shall be entitled to be paid four dollars a day for each day's attendance at the annual session, and mileage at the rate of five cents a mile for his time and expenses in traveling from his place of abode to the place of holding the session, and the same rate returning therefrom to the place of his abode, to be computed by the usual route of travel. Each commissioner who is a salaried officer of the State shall be entitled to his traveling expenses and necessary expenses while attending the meeting of the commissioners. Said compensation and the necessary expenses of the commission for stationery, printing, and postage shall be paid by the State treasurer out of the moneys in the treasury, not otherwise appropriated, upon vouchers issued by the secretary of the commission and approved by the chairman.

SEC. 3. The governor shall, when necessary, assign a room at the State capitol for the use of the commission in which to hold its annual sessions. Two commissioners shall constitute a quorum. The commissioner of agriculture shall be chairman of the commission. The botanist and entomologist of the State experiment station shall be chief inspector, custodian of the records, and, when present, secretary of the commission. He shall be allowed to secure the services of a scientific assistant and office help for a sum not to exceed eight hundred dollars, to be paid by the State treasurer out of the treasury from moneys not otherwise appropriated, upon vouchers issued by the secretary of the commission and approved by the chairman.

SEC. 4. Said commission, or a majority thereof, shall, during its first session, adopt rules and regulations to prevent the introduction and spread of injurious insects and

contagious diseases among fruit trees, vegetables, plants, bees, and other products grown for profit in the State of Florida, and for the prevention, treatment, cure, or extirpation of insect pests, fungous diseases, and other maladies of fruit trees, vegetables, bees, and other products. Said rules shall thereafter be modified at any annual meeting of the commission by a majority thereof.

SEC. 5. When, at its first session or at any annual session thereafter, the commission shall have adopted rules and regulations, or shall have modified one previously adopted, as above provided for, it shall be the duty of the chairman to have a sufficient number of copies of this act, with such schedule annexed, printed and distributed by mail in the following manner: One copy to each daily and weekly newspaper published within the State; and the schedule so adopted and modified shall be published in the same manner as the public statutes are published.

SEC. 6. Whenever a petition is presented to the State commissioner of horticulture and agriculture signed by fifteen or more persons, who shall be resident property owners, fruit or vegetable growers, or owners of bees, requesting an inspection of any trees, plants, or apiary, the chief inspector, or an assistant inspector designated by the chief inspector, shall proceed to make such examination with the least possibly delay, and shall enforce the rules of the State commission applicable to such case or cases. He shall give the owner, lessee, or occupier of the property on which such contagious disease or pest occurs, written instructions to use such means as may be necessary to carry out the instructions in the schedule prepared by said commission for the control or extermination of such disease, fungus, or insect pest. If such owner, agent, or lessee of property on which such contagious disease, fungus, or insect pest is found shall fail to obey the instructions of said expert within the time designated in the written instructions, it shall be the duty of said inspector to employ such service and use such means as may be neccssary to control or exterminate such contagious disease, fungus, or insect pest.

SEC. 7. Each inspecting officer shall receive for his services $4 per diem for each day spent in the discharge of his official duties and necessary traveling expenses. Such inspecting officer shall make an itemized statement, duly verified by oath or affirmation, of the expense in inspecting or treating of such diseases, trees, plants, or apiary, and shall certify the expenses of the same to the State commissioner of horticulture and agriculture. The State treasurer shall pay such expenses out of the treasury from moneys not otherwise appropriated, upon vouchers issued by the secretary of the commission, approved by the chairman. Any owner, agent, or lessee on whose property shall be found any contagious disease, fungus, or insect pest designated in the schedule prepared by the said commissioners who shall fail to carry out the regulations of said commission shall be deemed guilty of a misdemeanor, and upon conviction by any court of the State having jurisdiction shall be fined not more than $——, or be imprisoned for not more than —— days at the discretion of the court.

SEC. 8. It shall be the duty of every person, on their first knowledge of the existence on any tree, shrub, or plant or in any apiary of any disease, fungus, or insect pest designated in schedule of the commission to forthwith give notice of the existence of the same to the State commission. Any resident owner, agent of nonresident owner, or lessee of any tree, shrub, plant, or apiary on or in which such disease occurs who shall fail for the space of ten days from the first knowledge of the aforesaid disease or pest to report the same to the State commission shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed $—— or imprisonment not to exceed —— days, at the discretion of the court.

SEC. 9. The importation of noxious diseases and insect pests is hereby declared a misdemeanor. Any person or persons found guilty in any county or other court in the State, which court shall have jurisdiction in such cases, of importing, knowingly or otherwise, without having taken the proper precautions, into the State of Florida any injurious disease, fungus or insect pest, shall be guilty of a misdemeanor and

be punished by a fine not to exceed $500 or by imprisonment not to exceed six months, at the discretion of the court.

SEC. 10. Whenever the chief inspector of the State commission shall know of any infected trees, shrubs, plants, cuttings, fruit, bees, or other material which contains contagious diseases, fungus, or other pests, coming into the State from other States, Territories, or other countries, he shall at once direct the disposition or destruction of such infected trees, shrubs, plants, cuttings, fruits, or other material as he may deem best to protect the interests of the State. Any or all persons refusing or failing to carry out the orders of said inspector shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than $50 or imprisoned not more than thirty days, at the discretion of the court. The expenses incurred in carrying out the provisions of this section shall be provided for as in section 7 of this act.

SEC. 11. Any and all injurious diseases, fungous and insect pests are hereby declared to be a public nuisance.

SEC. 12. The willful resistance to or wrongful interference with any disease inspector, or assistant or laborer employed by any disease inspector, while in the performance of any of the duties in this act prescribed, is hereby declared a misdemeanor, punishable by a fine not exceeding five hundred dollars or imprisonment not exceeding ninety days, or both, in the discretion of the court having jurisdiction of all such offenses.

SEC. 13. In any case when the destruction or treatment of infected trees, shrubs, plants, or other property of considerable value has been ordered by an inspecting officer, the owner, lessee, or agent of said property shall have the right to appeal to the State commission, and their decisions shall be final.

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